

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – 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 BARTON HARTSHORN PARISH MEETING.

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") 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 Barton Hartshorn Parish Meeting represents the residents of Barton Hartshorn. The residents of the village are concerned at the noise that trains will create and the effect that construction traffic will have on the village. Also an area chosen to be used as replacement flood plain storage is an area of good agricultural land which is next to an area of poor quality land which floods in the winter.
- 8 Your Petitioners rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Your Petitioner is 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 Properties of the residents of the Parish of Barton Hartshorn.

Plan C222-ATK-CV-DPL-020-000010 shows that the track to the south of Barton Hartshorn is above ground level. At point 087-S3 Barton Hartshorn Emb. Culvert the track is shown to be 4.6 metres above the ground level. Plan SV-01-30 shows that the noise contour in this area increases because of the elevation of the track. Your petitioner requests that sound barriers to a height of 8m, properly screened by trees, be installed to reduce this noise impact.

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.

Your petitioner requests 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.

Your Petitioner requests 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.

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 publicly 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.

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 or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.

Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

Your petitioner is also concerned that the roads in the village are not suitable for large construction vehicles. The roads to and from the village currently prohibit vehicles heavier than seven and a half tons from using the route as a thorough fare.

Your petitioner requests that if HS2 construction traffic uses the roads to and from the village that a speed limit of twenty miles an hour is imposed on the construction traffic, that such traffic should only be permitted to use the routes between 08:00 hours and 16:00 hours Monday to Friday, that television cameras and recording equipment be installed to observe any damage caused by the traffic and that any damage caused be repaired by HS2 contractors within seven days of being reported to the appointed HS2 community liaison officer.

Your petitioner is also concerned that the land shown on PLN 2.1.2.2 as item 22 and CT-06-060a, is to be used as replacement flood plain storage. The area is good agricultural land. A similar area to the south of the small stream, and parallel to the chosen land, floods during heavy rain fall and would cause less hardship to the land owner if it were used as flood plain storage.

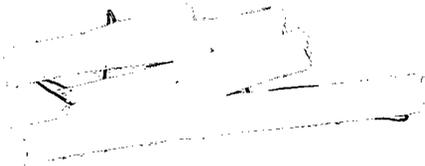
Your petitioner is also concerned that a narrow track shown on plans volume 2.2 Calvert - Burton green, sheet 2-66, shown on plan as number 30. The track

is approximately ten feet wide. It runs by a stream on the east side and within three feet of residential buildings on the west side. Only part of the track has a surface capable of supporting a small lorry. An inspection would be required to ascertain the load the track could accommodate.

- 10 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.



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BILL

PETITION OF BARTON HARTSHORN
PARISH MEETING

AGAINST, By Counsel, &c.

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