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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 Anne Jacqueline Keleny

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. Your petitioner is the owner of a freehold property in Aylesbury in the county of Buckinghamshire, namely .number 30 Prestwold Way, Fairford Leys, Aylesbury Buckinghamshire HP 19 8GZ, where she lives with her family. Your petitioner's property is a detached house with a garden situated sideways-on to the footpath running between Fairford Leys village and Aylesbury Park Golf Course. The Bill will directly and specially affect your petitioner and her family, since the property lies within approximately 500 metres of the construction and operational site of HS2, and within the area shown in the Environmental Statement which will be impacted by noise from the construction and operation of HS2.
 8. Your petitioner and her rights, interests and property are injuriously affected by the Bill, to which your petitioner objects for reasons amongst others, hereinafter appearing.
- 1.1 Your petitioner has concerns with regard to matters of noise and vibration caused by the construction and operation of HS2. Your petitioner is concerned as there appears to be no mechanism in the Bill to deliver a properly noise-mitigated railway.
 - 1.2 Your petitioner is concerned that the fundamental calculations needed for forecasting noise impacts, known as the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) have not been correctly identified and were set too high in the Environmental Statement, leading to material underestimation of the adverse noise and significant adverse noise impacts likely to arise from the high speed railway.
 - 1.3 Your petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above what the World Health Organisation considers acceptable. Your petitioners consider this issue is likely to become more pressing given the moves by the World Health Organisation to set new lower

targets on the basis of the latest medical research on the impact of noise on human health.

1.4 Your petitioner is concerned that the specific impacts of groundborne noise have not been properly considered or explained to impacted communities and the limit for groundborne noise does not reflect recent or practice or experience and the methodology used for predicting the impact of groundborne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.

1.5 Your petitioner therefore requests

1.5.1 HS2 Ltd be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside).

1.5.2 HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.

1.5.3 HS2 Ltd be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.

1.5.4 A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.

1.5.5 HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension- meaning groundborne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.

1.6 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.

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

2.

2.1 Your petitioner is concerned that the impact on local communities of the amount of waste to be excavated and removed from the construction of the high speed railway has been underestimated and the environmental impacts of removal and disposal of such waste has been needlessly worsened because of the primacy (in UK and EU law) of the requirement to seek to avoid disposal of waste and comply with the principles of the waste hierarchy has been ignored by HS2 Ltd.

- 2.2 Your petitioner is concerned that the forecasts provided for each Community Forum Area for amounts of waste to be excavated and removed from that area appear to be contradictory and take insufficient account of local authority planning policies.
- 2.3 Your petitioner requests that: HS2 Ltd be required to comply with the requirements of the Waste Framework Directive and review its decisions on treatment of waste to ensure compliance with the waste hierarchy as detailed in that Directive. Such review should include publishing details of the "integrated design approach" to waste management and subject to consultation to enable effective public participation on this issue.
- 2.4 Your petitioner is concerned that the nominated undertaker's ongoing accountability to is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective, however, the Code of Construction Practice has no legal status.
- 2.5 Your petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts with effective oversight and redress arrangements in the event of non-compliance with the Code of Construction Practice.
- 2.6 The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your petitioners submit that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice.
- 3.
- 3.1 Your petitioner is 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. The Bill will specially and directly affect her health because she suffers from chronic asthma, for which she takes regular medication. She and her family have hitherto enjoyed clean air at their present home. They greatly dread the effects of dust and dirt which will be carried to their home on the prevailing winds once construction starts.
- 3.2 Your petitioner requests 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 made public. Your petitioners submit that thresholds for air quality and an air quality mitigation plan

should be produced for each Community Forum Area, to apply both during construction and operation of HS2.

- 3.3 Your petitioner requests that the local authority should be provided with powers to monitor air quality in accordance with binding mitigation plans and in the event air quality thresholds are breached, your petitioners submit that the Bill should be amended to enable the local authority to require the cessation of construction activities until such point as air quality thresholds are complied with.
- 3.4 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 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.
- 3.5 Your petitioner requests that the Bill should be amended to ensure your petitioners and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.

9 Your petitioner is concerned about settlement effects on your petitioner's property due to construction work near by. Your petitioner would like to see an effective and agreed monitoring system in place before construction work begins, in order to measure the exact effect of any settlement on the property. This must include an agreed threshold for ground movement in the vicinity of the property, and distortions of its structure. If the threshold is exceeded, construction must stop until remedial measures are in place to minimise settlement and avoid damage to the building. A full condition survey should be undertaken both before construction, and at an agreed date after construction, to identify whether any damage has been caused. Surveys must be undertaken by an independent surveyor, and all information must be made available to the petitioner. Any costs associated with this must be paid in full by the nominated undertaker. Any damage caused by settlement must be remedied as soon as possible.

Your petitioner objects to the Bill because of the proposed temporary closure of Public Right of Way CDH 1 / 2. This footpath represents an important community asset to your petitioners personally, who use it daily and greatly value its beauty and tranquillity. It is vital to your petitioners for the health and best functioning of both body and mind, allowing a run or a walk accompanied by useful reflection and enjoyment of nature, as well as for practical connection to shops, friends' houses, and for easy connection to other areas. The loss of this footpath would make your petitioners' lives both confined and miserable. Your petitioners request that this Public Right of way should not be closed for any length of time. If it must be diverted, then a replacement right of way of an equal or similar length must first be provided between the same locations. The replacement path must be planned in consultation with the local community, including your petitioners.

Your petitioner objects to the Bill because of the proposed embankment and viaduct which will carry the railway past the western side of Aylesbury, including Fairford Leys village where your petitioner resides. Your petitioner would prefer a green tunnel or land bridge covering the line completely. Your petitioner believes this green tunnel or land bridge to be the only satisfactory means of taking the line past Fairford Leys, which is a densely populated area where many hundreds of people including your petitioner and her family will suffer great reduction of quality of life during the building and operation of this railway if the Bill is passed into law in its present form.

Your petitioner therefore respectfully requests that even failing a green tunnel or land bridge where the line passes at Fairford Leys, the best possible mitigation measures should be taken in consultation with all residents. Your petitioner is aware that her immediate neighbours are of similar mind, but have been unable to express their fears in writing because the procedure for petitioning has appeared to them too difficult and the time given for it too short.

Your petitioner further respectfully and humbly submits that she and her family and her neighbours and the whole town of Aylesbury and its problems and fears with regard to this railway have been denied representation in Parliament because the honourable Member for Aylesbury was absent in Estonia during the Second Reading of the Bill and took no part in the debate and did not vote.

Your petitioner respectfully submits her outrage that, in the discussion hitherto of this Bill so deleterious to Aylesbury and to Fairford Leys where your petitioner resides, the devastation that this Bill will wreak on Aylesbury and Fairford Leys has hardly been given an airing. Aylesbury is the largest centre of population that the line will pass between London and Birmingham, and your petitioner respectfully submits that in a democratic country the failure properly to attend to the views and needs of so many people whose lives will be radically affected by this line is a disgrace.

Your petitioner further humbly submits her fear that the notified undertaker and others who have framed this project are falling under the influence of the undemocratic, arrogant and inhumane habits of the country which has made clear its interest in funding this railway (The People's Republic of China). Your petitioner believes it is undignified of her country to accept financial support from China for building this line, as well as potentially dangerous, and humbly prays that other sources of funding should be sought.

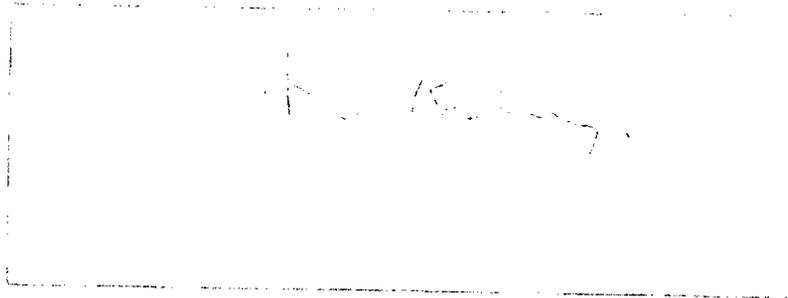
Your petitioner respectfully asks that consideration be now given to including a stopping station for Aylesbury on the line. Your petitioner believes travel arrangements for this growing town have been long neglected, and a speedy connection to London and elsewhere instead of the present small, slow and

overcrowded service would greatly benefit its residents including your petitioner.

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

YOUR PETITIONER therefore humbly prays 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 Petitioner will ever pray, &c.



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PETITION OF Anne Jacqueline Keleny

AGAINST, By Counsel, &c

Anne Jacqueline Keleny

Aylsham