

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 Mr Andrew Jones and Mrs Jennifer Barbara Jones

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 Mr Andrew Jones and Mrs Jennifer Barbara Jones (hereinafter referred to as 'the Petitioner'), the owner occupier of 34 Hodgetts Lane. Burton Green, Kenilworth. Warwickshire. CV8 1PJ and land adjacent. ('the Property').
8. Burton Green is without doubt one of the rural communities most affected by the proposed HS2. We the petitioners as individuals who have lived here for many years and intended to do so for a great many more are probably affected more than most. We have a small field of land (WK354129) in the safeguarded zone and our home is opposite (WK354720) in the voluntary purchase zone. Although separated by a road we regard the two properties as one.
9. We bought the field, which is just over two acres in size, 12 years ago having attempted to buy it when we bought 34, Hodgetts Lane 28 years ago. One of the prime reasons for wanting it was that it is opposite our home and we could ensure that for the foreseeable future it would be "Our Little Bit of England" that could not be built upon or used for purposes other than agriculture or in any way detrimental to our lives. The other main reason was to have horses, something we would only do if we had our own land that was next to our home. For these reasons we paid well above the agricultural value of the land and more. Had it been anywhere other than opposite our home we would not have considered buying it. Presently we have two horses, a goat and poultry. There are numerous outbuildings which are used for stabling, poultry housing, storage for enough hay for a year for our and a friends needs and storage for many other things.
10. Approximately two thirds of the land is earmarked for compulsory purchase meaning we would have insufficient land in which to permanently keep the horses and the other livestock and also lose all the buildings.
11. We can see absolutely no reason why any of our field should be compulsorily purchased. No consideration at all has been given to our lives. It is shown as land 'potentially required during construction'. After completion it is shown as having 'landscape mitigation planting' on it. If the mitigation is to hide the ugliness of an HS2 wall (or whatever is there) then a tall hedge and a single row of trees on the edge of the cutting would suffice. If the planting is to mitigate against the noise of the numerous trains coming out of the cut and cover tunnel which does not extend along the majority of the fields boundary then the obvious solution is for the tunnel to be extended along and past the full length of the field. There would then be no necessity to compulsorily purchase the land.
12. The existing Greenway is a much used (and the main) leisure facility in the village. We walk our dogs along it at least twice a day using the public footpath access which is adjacent to the land and 50 metres from our home. We also use it to cycle into Kenilworth to avoid using the car and to have peaceful and safe exercise.
13. This public footpath is also a bridle path which leads onto the Greenway which is the only off road place to ride without having to transport the horses by trailer. This access next to the land will be lost leaving nowhere safe to exercise them. We would not be

confident to ride on the roads due to the large vehicles and the speed of some of the drivers. It would be particularly dangerous during construction.

14. One of our horses is a ride and drive Welsh Cob whom we drive around the local lanes on a regular basis. During construction this will be impossible.
15. Burton Green is an extremely peaceful village apart from the twice daily rush hour commuters. Birdsong is the overriding sound for most of the day. During construction and after completion our peaceful lives will be significantly changed for the worst. The noise contour map indicates that we will not be impacted by HS2. From our garden we can hear the trains going through Tile Hill station which is over a mile away and 'down the hill'. We do not believe that we will not hear the trains travelling at the proposed speed just over 100 metres away every 3 minutes particularly when they emerge from the tunnel.
16. In the past we have never had any intentions or wishes to develop the land. The proposed HS2 has changed this as our lifestyle, for which we have worked extremely long and hard, and our community will be so negatively affected especially during construction that we have to consider what our future will be. Due to the land being in the safeguarded zone we were denied the opportunity to put it forward for the Local Plan which is to increase the number of houses in Burton Green by approximately 25%. Had we been in a position to do so and it had been accepted for development we would have been in a financial position to buy a suitable property in the local area which would provide us with the equivalent residence, land and facilities that we have at present. The proposed compensation is totally inadequate. There is nowhere in the local area that we would be able to buy with the compensation that would provide us with what we would be losing.
17. The PRoW through National Grid land next to the field is shown as being realigned through the part of the field and along the boundary fence that is not due to be compulsorily purchased. This is totally unacceptable as it should be realigned the other side of the fence so that it will go through what is at present the village hall which is due to be demolished and then have landscape mitigating planting on it after completion.
18. The village school will be adversely affected during construction due to the construction traffic being routed past it. A great number of pupils are driven to it from outside the village. Parents are not likely to be willing to battle their way to the school through the mayhem and will choose a different school instead. This could well make the school unviable due to numbers of pupils and closure would be possible. Our daughter in Kenilworth would dearly love our granddaughter, who is due to start school in September 2018, to attend the same primary school as herself and her grandmother (the petitioner Jennifer Jones). No parent including our daughter would want their child to be subject to the chaos and filth of HS2 construction.
19. Three of the four routes in and out of Burton Green will be used for construction traffic. We have a business in Kenilworth and our daily journeys will be stressful and chaotic. Kenilworth itself will be badly affected and shoppers/visitors will go elsewhere to avoid the construction traffic. Many businesses are likely to struggle. We have just about survived the recession – HS2 could mean the final nail in the coffin.

20. If we are ultimately left with the small area not required by HS2 we would expect HS2 to put in satisfactory access to the same standard as our present access. We would also require post and rail fencing at the HS2's expense.
21. In the field we have the third Maglev carriage (the other two being in York Railway Museum and Peterborough Railway Museum) that was used to transport passengers from Birmingham International to Birmingham Airport. We would require that it be relocated at HS2's expense.
22. The only sensible solution, (and the one we are requesting), to all the above problems and concerns and for the wellbeing of our community is the option F deep bore tunnel. We will be able to continue our lives with minimal impact during the construction period and after completion Burton Green will be the same village that everyone aspired to live in.
23. We are perfectly aware that a deep bore tunnel will be more expensive. We also know that from an engineering perspective it can be done. To be told by HS2 representatives that it is feasible but not 'cost effective' shows what little value is put on the lives of everyone who is affected by HS2. We are continually being told that it is vital for the future of our country and if the government truly believes that it should accept that it is their duty to do everything in its power to give the best possible mitigation whatever the financial implications.

Limits of Deviation

24. Your Petitioner is concerned that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaker can deviate vertically upwards not exceeding three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans.
25. Your Petitioner is concerned that these deviations could potentially make significant differences to the impacts of the construction and operation of the high speed railway and associated development, for example by raising the track height to the detriment of the amenity of the landscape. These potential environmental impacts are not adequately addressed in the environmental statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures to reduce adverse environmental effects provided it does not add unreasonable cost or delay to the construction and operation.
26. Your Petitioner requests that the provisions in the Hybrid Bill to allow deviation should be deleted.

Noise

27. Your petitioner has concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway. Your petitioner is concerned as there appears to be no mechanism in the Bill to deliver a properly noise mitigated railway.
28. 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.

29. 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 petitioner considers 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.
30. 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 ground borne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.
31. Your petitioner therefore requests
 - a. 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).
 - b. 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.
 - c. 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.
 - d. 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.
 - e. HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension- meaning ground borne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.
32. 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.
 - a. Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

33. Waste

- a. 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.
- b. 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.
- c. 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.

34. Code of Construction Practice

- a. 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.
- b. 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.
- c. The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits 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.

35. Air Quality

- a. 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.
- b. 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 petitioner submits 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.
- c. 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 Petitioner submits 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.

36. Hydrology

- a. Your Petitioner is concerned about the danger of water pollution arising from the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport links.
- b. Your Petitioner requests that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against accepted water quality levels.
- c. Your Petitioner is concerned that the Hybrid Bill seeks to undermine long standing and important legal safeguards concerning the safety of drinking water. Your Petitioner requests that Clause 31 and schedule 20, which override key legal safeguards that protect public water supplies be deleted from the Hybrid Bill.

37. Compensation

- a. Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development.
- b. Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.

38. Ecology

- a. Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on fauna and flora. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on ecology including but not limited to avoiding ancient woodland, migration routes for wildlife across construction sites and the operational high speed railway and associated development, and compensatory measures to offset habitat loss and other damage to species.
 - b. Your Petitioner requests that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations, compensation off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget for these purposes.
 - c. Your Petitioner requests that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to the revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities' wellbeing, adjusting metrics to encompass the precautionary principle, treatment of ancient woodlands should be separately from the overall biodiversity net loss calculation, re-examining scope for off-site biodiversity compensation, research on alternative discount factors for the off-setting metric.
39. 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 our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
40. 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.
41. 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 PETITIONER 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

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SIGNED

Andrew Jones

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Jennifer Barbara Jones

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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.

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PETITION OF Mr Andrew Jones and Mrs Jennifer Barbara Jones

AGAINST, By counsel, &c

Mr A. Jones and Mrs J, B, Jones.

30, Hatching Lane, Buntingford

Home

Mobile