

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 DAVID JOHN VAUGHAN

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 David John Vaughan of 1 Wentworth House, Vicarage Road, Stoneleigh, Warwickshire, CV8 3BDH (hereinafter referred to as 'the Petitioner'), the owner, jointly with his wife Mrs Catharine Jean Vaughan also of 1 Wentworth House aforesaid, ('the Property'). The Property is situated on the south westerly limit of the village of Stoneleigh overlooking Stoneleigh Park within the Stoneleigh Village Conservation Area. The Property is some 700 metres to the north east of the proposed route of HS2 and the planned viaduct over the River Avon. As such, the property and its garden is exposed to wind borne noise on the prevailing wind from the south west.

8. **Noise**

- 8.1 Your petitioner is concerned that noise and vibration caused by the construction and operation of the high speed railway and mitigation measures have not been correctly or adequately dealt with in the Environmental Statement or in the Bill; accordingly the railway as built will not comply with acceptable noise related standards.
- 8.2 Your petitioner is concerned that the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) were set incorrectly high in the Environmental Statement and above the World Health Organisation's acceptable standard (which may in future be set lower than at present), resulting in an erroneously low level of assumed adverse noise and significant adverse noise effects in operation of the high speed railway.

Your petitioner is concerned that the specific impacts of neither ground borne or wind borne noise have been properly addressed or communicated in the Environmental Statement or made available to affected communities. Operation of the line can be expected to constitute a major noise source for the village and residents of Stoneleigh, residents of Stoneleigh Abbey and Stoneleigh Park, the hamlet of Stareton and Crew Lane. Wind borne noise on the prevailing wind from the south west is, in particular, a serious concern for residents of Stoneleigh and its neighbourhood and is the major cause of property blight in the area. Such noise nuisance can be substantially mitigated or prevented by the construction of the 'cut and cover' tunnel through Stoneleigh Park dealt with under paragraph 9 below, thereby diminishing the number and amount of future potential compensation claims by property owners under the Land Compensation Act 1973.

- 8.3 Your petitioner therefore requests that -

- (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 groundborne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.

8.4 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.

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

9. **Stoneleigh and Stoneleigh Park**

Your Petitioner petitions with a view to securing the incorporation in the works to be provided for by the Bill of additional measures on the route through the ancient Stoneleigh Parkland, consistent with and in furtherance of the several consultation responses and submissions made by your Petitioner, Stoneleigh Action Group in conjunction with Stoneleigh Park Residents Association, La Salle Asset Management Limited (the owners of the former National Agricultural Centre at Stoneleigh Park) and others and the representations and submissions made at Community Forums and in bilateral discussion including meetings with HS2 Engineers.

Specifically, your Petitioner refers to the several representations made as aforesaid by Stoneleigh Park Residents Association, supported by Stoneleigh Action Group, to HS2 Limited both in writing and in personal attendances on HS2 Limited engineers, that a 'cut and cover' tunnel be constructed from chainage 137500 to 139600 on the relevant drawings of the works through Stoneleigh Park. The enclosure of the line in a 'cut and cover' tunnel rather than being left in open 'cut' was the only part of the submissions and representations made by Stoneleigh Park Residents Association and others not accepted to date by HS2 Limited. The tunnel would provide the best means of limiting noise nuisance in operation of the line which otherwise can be expected to be significant and a major contributory factor to the blighting of property in the vicinity of the route as it passes through Stoneleigh Park.

More recently La Salle Asset Management Limited has presented to the Department for Transport and/or HS2 Limited a detailed and costed proposal for a 'cut and cover' tunnel through the NAC site. This proposal incorporated bridging of the River Avon in a covered crossing, (a highly desirable mitigation of the anticipated operational noise which would be generated by train passes over the viaduct).

However, regretfully no or any acknowledgement or meaningful responses have been received to any of such representations and submissions. This is despite that the Government Command Paper of March 2010 required its consultants "to reduce specific impacts on local environment and communities", and suggested therein "a cut and cover tunnel in the general NAC area". The Department for Transport nor HS2 Limited have complied fully with this Command Paper requirement.

Your Petitioner urges and submits that the construction of a 'cut and cover' tunnel in accordance with the above mentioned submissions and proposals would effectively mitigate operational noise to the great benefit of local residents and the NAC site and the activities carried on there. Accordingly it is requested that the works provided for in the Bill be duly amended to require the 'cut and cover' tunnel in accordance with the foregoing.

10. Compensation

- 10.1 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.
- 10.2 Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarding area who are adversely

and injuriously affected by loss of value should be entitled to claim compensation.

11. Other Environmental Issues

- 11.1 Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on the local landscape and its fauna and flora. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on the local landscape 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.
 - 11.2 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.
 - 11.3 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.
12. 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 representation before the Select Committee.
 13. 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.

14. 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 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 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

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013- 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF DAVID JOHN VAUGHAN

AGAINST, By counsel, &c

[Name, address and telephone number(s) of the petitioner]

DAVID JOHN VAUGHAN