

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

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 DR JOHN DUNLOP & MRS HAZEL DUNLOP

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioners live at Merkins, Owl End Lane, Lower Boddington, Northamptonshire, NN11 6XZ. Your Petitioners moved here in November 2012 from The Old Bakehouse, Owl End Lane, Lower Boddington, Northamptonshire, NN11 6XZ as they needed a larger house for their family which had grown since The Old Bakehouse was bought in 2001. Your Petitioners live here with their three young children and numerous pets. They moved as a suitable property became available within the village that had been with its previous owners for nearly 30 years and a similar property was unlikely to come onto the market. They are active

members of the community and wanted to stay in the village to raise children so when a suitable home for the growing family became available they had to move quickly. Your Petitioner's property is located on a bridle path leading onto a residential road which will be used by construction traffic during the construction of the Scheme.

8. Your Petitioners and their rights and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

9. **Compensation**

- 9.1 Your Petitioners are aware that all residents in the Parish have suffered long-term property blight which they have experienced themselves having been trying to sell The Old Bakehouse for the past eighteen months. The sale price has been reduced from £545000 to £445000 without any offer. They have had a steady stream of viewings and the estate agent has informed that the house would have been sold if not blighted by the prospect of HS2. One interested party did not progress because they were advised 'not to buy anywhere near HS2'. Another asked for reassurance about construction traffic. HS2 Limited would not reply to requests to clarify further details about the impact to Lower Boddington. More recently a booked viewing was cancelled after the party believed HS2 went past the village in a green tunnel and after finding that it was exposed would not even look at the property. They have no idea how many others purchasers have been deterred from even viewing the property because of the blight caused by HS2.

- 9.2 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 are incurring as a result of the prospect of construction and operation of the high speed railway and associated development.

- 9.3 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the compensation package that has been proposed as the impact on properties is far wider than those claimed. Despite their relative distance from the line their whole village has been blighted (as per the examples previously cited).
Compensations arrangements should be full value and immediately

effective. With regard to The Old Bakehouse, your petitioners would propose that HS2 Limited should buy it at its full pre-blighted market value.

10. **Noise**

10.1 Your petitioners have 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.

10.2 Your Petitioners is concerned that the HS2 proposal is not compliant with current national noise policy or European directives on Environmental Impact Assessments. The line as it passes past Lower Boddington will have considerable impact upon the noise in the village.

10.3 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must adopt a proper noise policy and comply with European Directive on Environmental Impact Assessments. It is essential that appropriate mitigation of sound is achieved within our exceptionally quiet location. The last resort of insulating our homes (which is not necessarily an option given the age of many of the houses in the village) ignores the fact that in the countryside it is reasonable to expect to be able to enjoy rural surroundings when in gardens and within the village. With an estimated 32 trains per hour, which is one every 1.8 minutes, we will be bombarded by a near constant noise from the trains unless further noise mitigation is in place. As well as promoting the sustainability of the community, HS2 Limited, the Secretary of State and/or the Nominated Undertaker should be ensuring your petitioners rights to continue to enjoy their homes and surroundings.

10.3.1 In particular there should be further noise mitigation measures to the line as it passes Lower Boddington including: a peak noise limit of 35DBA at all receptors; lowering the line; increasing the height of earth banks and the addition of extra noise mitigation measures such as trees and parapets.

11. Visual Impact

- 11.1 Your Petitioner is concerned that a viaduct up to 9m high that is proposed to cross the Highfurlong Brook and its associated embankment will be highly visibly intrusive. Additionally this sets the height of the line across the valley and into the proposed maintenance loop. The height of the line across the valley has a major visual impact from both Lower and Upper Boddington. Original plans had the maintenance loop sited outside Boddington Parish and assurances were given that it would have no impact. However successive changes mean that the maintenance loop will now have a major effect on noise and visual impact and well as increasing construction disruption and on-going negative effects in the operational phase from lighting, deliveries and night-time noise.
- 11.2 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the visual impact that HS2 will have on the communities. They should lower or dispense with the viaduct across the Highfurlong Brook. The nature of the flow in the Brook does not warrant such an intrusive structure which additionally largely determines the height of the line across the valley and into the maintenance loop, with negative impact on both visual and auditory impact. They should also lower the line across the valley and, in conjunction with enhanced earthworks, ensure that neither the train nor the pantographs are visible.
- 11.3 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the location of the proposed maintenance loop which should be moved (as per HS2 Limited's initial plan) to avoid visual impact and if such a move is not made then the lowering of the line should be undertaken such that the adverse effects on appearance and noise are completely mitigated. Also the proposed use of diesel powered vehicles and maintenance activities taking place at night should also be reviewed as these further add to the intrusion.

12. Road Closures

- 12.1 Your Petitioners are concerned that the proposed road rerouting associated with the maintenance loop is unsafe. Road closures and restriction during the construction phase will cause considerable disruption to your Petitioners as every route out of the village will be affected.
- 12.1.1 They are particularly concerned about the closure of Claydon Lane. This being the main route to the Doctors surgery in Cropredy and into Banbury (including The Horton Hospital) and are concerned that long diversions could have a detrimental effect, especially in an emergency. It is also a route used at least weekly to take their daughter horse riding at Appletree Stud in Appletree and to go to into Banbury for a variety of reasons. Closure of this road will result in your petitioner being isolated from recreational facilities as well as vital services and will result in increased time and cost taken for your petitioner to access these facilities.
- 12.1.2 They are also concerned about the closure of the road from Lower Boddington to Wormleighton as this is the main route they use to take their eldest son to and from school. Closure of this road will result in your petitioner being isolated from educational facilities and will result in increased time and cost taken for your petitioner to access these facilities.
- 12.2 Your Petitioners are concerned about the impact of construction traffic on Banbury Road adjacent to the lane where your Petitioners' Property lies. The increased traffic in this small rural village will have significant negative impacts on the character and setting of the village, and result in your Petitioner's Property being subject to intolerable noise, vibrations and visual impacts
- 12.3 Your Petitioners request that a full relief road is constructed to minimise impacts on the village and, in particular, the impact of construction vehicles. The alignment and design of the relief road must be discussed with the local community and the local highways authority in order to minimise landtake and ensure it is appropriate for the rural location.
- 12.4 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or

the Nominated Undertaker must review the road rerouting and ensure that all road closures and restrictions required during the construction phase should be minimal and should not occur concurrently.

- 12.5 Your Petitioners request that binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforced by environmental health officers

13. Construction

- 13.1 Your Petitioners are concerned that the Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. This will inevitably lead to severe sleep deprivation for my young children and considerable health concerns.
- 13.2 Your Petitioners are concerned that with two construction camps proposed for the Parish and so many exceptions to the Code of Construction that construction activities will be very intrusive on our quiet rural environment. This will also impact on the freedom we give our children and their ability to enjoy their local environment as our lane leads directly onto Banbury Road which will be the main route for construction traffic.
- 13.3 Your Petitioners are 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.
- 13.4 Your Petitioners submit 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.

- 13.5 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.
- 13.6 Your Petitioners are concerned that HGV and workers traffic through the villages will be hazardous and intrusive. There should be no difficulty for residents in Lower Boddington to access their properties. Nor should there be difficulty for them to reach the amenities in Upper Boddington or feel that their safety when using the road (which is on a steep hill, with a sharp bend, has very narrow points where two cars can barely pass each other and in some places no footpath) is at risk, whether as a pedestrian, a cyclist or a motorists. This is of particular concern as it is the route we use to walk our children to school.
- 13.7 Your Petitioners request that large vehicles as well as other construction traffic must be strictly controlled, having regard to the particular sensitivities of the area. Your Petitioner therefore requests that the nominated undertaker should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routeing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and the relevant local authority.
- 13.8 Your Petitioners are concerned that the roads around Lower Boddington are in poor repair and will only continue to decay with the level of traffic that is forecast.
- 13.9 Your Petitioners are also concerned about the risk to health and safety by presence of mud and other debris on the highways as a result of the construction traffic.

13.10 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impact on the community and tighten the Code of Construction to clearly restrict activities to weekday daylight operation (with clear hours of operation such as 8am-5pm Monday to Friday to ensure that hours do not increase during the summer).

13.11 Your Petitioners similarly request that hours for the movement of construction traffic are also limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles, and other miscellaneous related matters.

13.12 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the number, size and operational period of the construction camps should be reduced in recognition of the special nature of our peaceful rural community. The construction camps should be fully screened before the camps are established.

13.13 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction traffic strategy for the project by undertaking a proper traffic study in line with the Environmental Impact Assessment and necessary infrastructure improvements undertaken before construction starts.

13.14 Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction traffic strategy for the project by undertaking a proper traffic study in line with the Environmental Impact Assessment and necessary infrastructure improvements undertaken before construction starts.

13.14 Your Petitioners object to the powers that are proposed to be provided

to all HS2 traffic, with stiff penalties for contravening this, to avoid hazards outside the school.

- 13.15 Your Petitioners respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must allow the Parish Council to monitor the state of the roads within the village and require HS2 Limited to undertake repairs on a regular basis as required.
- 13.16 Your Petitioners request that there are binding mitigation measures including detailed measures for wheel washing of all vehicles exiting the site(s) onto the highway network and a clear protocol is defined within the Local Environmental Management Plan, enforced and communicated to all employees of the nominated undertaker, contractors and visitors. The person(s) with overall responsibility for ensuring that the protocol is put into practice on sites should be clearly identified. The local highways authority that have responsibility for monitoring compliance with and enforcement of the protocol and should be clearly identified in the protocol
14. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners should not be allowed to pass into law.
15. 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed

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HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF Dr John Dunlop & Mrs H Dunlop

Against the Bill – On Merits – By Counsel &c