

1441

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION AGAINST THE BILL

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.

FILED ON BEHALF OF
THE GOVERNING BODY OF WATER ORTON PRIMARY SCHOOL, WARWICKSHIRE

All correspondence via
Mr Carl Lewis (Headteacher)
Water Orton Primary School
Attleboro Lane, Water Orton
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THE HUMBLE PETITION OF THE GOVERNING BODY OF WATER ORTON PRIMARY SCHOOL, WARWICKSHIRE of correspondence address of Mr Carl Lewis (Headteacher), Water Orton Primary School, Attleboro Lane, Water Orton, Birmingham, B46 1SB, Warwickshire, herein referred to as 'your Petitioners'

SHEWETH as follows:

1. A Bill (hereinafter called "the Bill") has been introduced into 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 ("Phase One of HS2") 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 are the Governing Body of Water Orton Primary School in the county of Warwickshire
8. The Bill would authorise the compulsory acquisition of certain interests in land or property of your Petitioners, to which they object, and in accordance with the standing orders of your honourable House, notice has been served on your Petitioners of the intention to seek such compulsory powers.
9. Your Petitioners allege that the property, rights and interests of the school community would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form and they accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.
10. Your Petitioners oppose the Bill in principle. Whilst your Petitioners acknowledge that the principle of the Bill is established at second reading, your Petitioners' views on the subject are so strong, they must be recorded in this petition.
11. The Bill would authorise the construction and operation of the railway system and its associated development, including the spur passing through Water Orton. This spur passes directly alongside the school site. The acquisition of land extends to a much wider area, encroaching beyond the current site boundary, taking away a large section of the school field and the school's well-established woodland and outdoor classroom area. In addition the land acquired includes a neighbouring field that does not currently belong to the school but which is 770cm (7.7m) or 25 feet in distance from the nearest classrooms and less than 1m (3 feet) from the school vegetable garden and animal enclosure. Whilst the adjacent area may not be designated for the line itself, there is no clarity on its planned use as a proposed construction compound and no legislation in place to restrict the use of heavy machinery or building in such close proximity to the school or protect the needs of the children in either the construction phase or post-construction. The potential noise, dust and vibration from construction or related activity in an area so close to classrooms are of great concern to your Petitioners.

Therefore your Petitioners respectfully object to the proximity of the proposed route to Water Orton Primary School. Your Petitioners' specific concerns are detailed in this document and relate to:

- i. The **construction** of the line and the prolonged period of intense disruption, which would have a very negative impact on the education, learning and well-being of children, families and staff over a period of years.
- ii. The **location** of the line, its proximity to school and the negative impact of this.

If your honourable House decides that the scheme should continue and the school continues to operate as the construction phase commences, then your Petitioners request that the most stringent mitigation measures to protect against the issues raised in this petition should be put in place. Your Petitioners request this for the protection of the health and safety of pupils, staff and parents, and to ensure that the

school is able to retain its facilities and the education of the pupils is not disrupted. Such measures should include a requirement that HS2 construction traffic should be directed away from the school at all times and that any construction work in close proximity to the school should be carried out only during school holidays when the school is not in operation and when related activities, for example holiday child care provision are not taking place.

However, even with such mitigation, your humble Petitioners believe that Water Orton Primary School and its associated early years facility will be still be badly affected by the construction and operation of the works, because it will be situated some 150 metres from the proposed railway and closer still to the proposed construction compound. It is the strongly held opinion of your Petitioners that the effects will be so severe that the school and facility should be relocated elsewhere in Water Orton village.

Your Petitioners therefore request your honourable House to require that the Promoters or the Nominated Undertaker should fund the construction of a new primary school for the Water Orton community, to be built prior to significant works taking place on the project and therefore mitigating the negative impact of the construction phase and long term effects of HS2 on the learning community for years to come. This issue is of the utmost importance to your Petitioners.

Your Petitioners' specific concerns are as follows:

Construction Phase:

12. Your Petitioners are concerned that this section of the Bill appears to give the undertaker a wide range of unrestricted authority to carry out extensive works without a clear indication of the impact these will have on the school.

It refers to:

(b) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts, buildings, apparatus, plant and machinery as may be necessary or expedient;

(c) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or expedient;

(d) demolish the whole or part of any building or structure;

(e) alter or remove any structure erected upon any highway or adjoining land;

(f) alter, or alter the position of, railway track and any apparatus associated with railway track;

(g) alter, or alter the position of, other apparatus, including mains, sewers, drains and cables;

(h) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;

(i) carry out and maintain such other works, of whatever description, as may be necessary or expedient.

(2) Subsection (1) does not authorise the making of any cut for drainage purposes which is more than 3.4 metres wide at the bottom.

(3) The nominated undertaker may within the Act limits—

(a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, and

(b) carry out and maintain works for the benefit or protection of land affected by any of the works authorised by this Act.

(4) Schedule 2 contains further and supplementary provision about works.

(5) Without prejudice to subsection (1)(g), the nominated undertaker may, for the purposes of or in connection with the works authorised by this Act, undertake the electric line diversions and other works specified in the table in Schedule 3.”

It is the humble opinion of the Petitioners that The Bill gives excessive freedom to carry out actions without prior reference to, or agreement with the Petitioners. Your Petitioners request that the specific local plans are shared in more detail with the school and that mitigation measures are agreed before work commences.

13. The restriction of highways, roads and paths could have a huge adverse effect to the school.

Approximately 100 (or 1/3) of the school's pupils are from outside the immediate catchment area and many pupils therefore travel to school by car. The surrounding roads are narrow and very busy at the start and end of the school day. Suitable places for stopping, passing and parking are so limited that, even with the most sympathetic of contractors, any further restriction in traffic flow would have significant impact on the school's well-being and daily operation. For this reason your Petitioners request that roads, paths and highways around the school remain clear and unrestricted during term time, particularly at the start and end of the school day when parking and free movement of traffic is essential.

14. Sections 33 and 34 relate to Street works and Schedule 24 to commercial vehicles.

Your Petitioners consider that large scale changes to street works and the inevitable increase of commercial vehicles and construction traffic would place an unreasonable risk on children who have been encouraged to walk and cycle to school, becoming independent and caring for the environment. The school is already situated in a village with little infrastructure for transport. The school has spent many years working with families and the Council to build a more sustainable system of transport and actively promotes walking and cycling to school as a key part of this. Further traffic and disruption to

roads and transport would cause an immediate risk to children and adult's health and well being. The project would also undermine a long-term strategy to educate our young people to become healthy citizens who respect and care for the environment and who understand the importance of physical activity as part of a healthy lifestyle to reduce the risk of a variety of health conditions including obesity. Your Petitioners respectfully request that all construction related traffic is routed away from the school and away from heavily used routes to school, particularly avoiding the designated 'safer route to school' and the roads in the immediate school area around the school and the village green.

As part of the construction phase, heavy plant and machinery are a key concern;

The section entitled 'Acquisition of Airspace' refers to the ability of the undertaker to have heavy plant equipment in close proximity to a school. This could affect the school site and therefore learning through:

- I. Noise and vibration
- II. Dust and other air pollution
- III. Safety (children playing in the area out of school hours)
- IV. Potential health and safety clearance areas for cranes or machinery, further restricting the use of the school site.

As part of the construction there would inevitably be significant noise, disruption, and distraction. However, the Petitioners feel that they have not been fully considered or informed about any studies regarding the impact of such noise or dust. As governors of the school we have a duty of care acting *'in loco parentis'* to maintain the safety and well being of children in our care.

Your Petitioners request that the plans for use of heavy plant and machinery and the impact of this on the school are fully assessed and shared with the school and that the use of heavy machinery is avoided in close proximity to the school at times the school is in use, during the school day and for after school and holiday activities.

15. Changes to the landscape - Acquisition of subsoil or under-surface

In addition to the obvious reduction in the size of the school grounds, your Petitioners are concerned that extreme changes to the natural landscape and services would cause a risk to the school's land and surrounding land due to subsidence, changes in drainage and risk of surface flooding. **Section 31** refers to a freedom to change water services and this carries a risk to the disruption of services, such as water, gas, electricity or drainage. These are factors which would cause interruption to learning and in extreme cases could temporarily close a school. Your Petitioners request that the lost area of the school grounds is replaced with another area of similar size, quality and with similar potential for use. Your Petitioners also request that the supply of water, gas and electricity is maintained in full at all times the school is

operating, and that impact on land stability, drainage and flooding is assessed before work commences and monitored during construction to ensure the school is not adversely affected.

16. As part of the construction there would inevitably be significant noise, vibration, disruption, and distraction. The Petitioners again humbly request that further consideration is given to 1) sharing details of an impact study that exists 2) having done so, set out a transparent charter of actions that will be taken to ameliorate any negative impact that is like to occur.

17. **Operational phase:**

Your Petitioners understand that the purpose of the project is to develop greater capacity for more citizens to travel across the country. Based on this premise, the aim is to maximise the capacity of the line. Your Petitioners are reliably informed that, upon completion, trains would pass along the HS2 line at a rate of 36 trains per hour. This is approximately one train every 1½ minutes.

18. **Health and Safety**

The school comprises buildings, some of which are over 100 years old with brick construction and single glazing. Other buildings (those closest to the area to be acquired by the scheme) were built in the 1960s-1970s of a modular 'Scola' or 'Clasp' design. This design was cost-effective at the time and was intended to achieve a rapid growth programme of relatively low cost-schools. Such buildings have steel frames, timber/wooden cladding on external elevations and classrooms often have plywood panels. Windows, walls and roofs have very little insulation against heat or sound. This was not a requirement at the time of building, but this design was not intended to accommodate such extreme changes to local environmental conditions.

According to Hampshire County Council

"Consortia type school buildings, typically Scola and Clasp type construction, offer high levels of risk in terms of property loss due to the lightweight construction and the undivided nature of the ceiling and roof voids. In such building types, relatively small fires can develop and spread extremely rapidly and extensively....Significant attention will be required with respect to the impact of asbestos containing materials both within and encapsulating such voids...."

With help of Warwickshire County Council, the school has replaced some windows with double glazed units and managed any asbestos, but many unaltered areas remain; with aging insubstantial wood or alloy frames with single glazed windows.

Your Petitioners are very concerned that this building (as a whole) would not tolerate large amounts of vibration due to large-scale earth movement, changes in the landscape and water levels. Should a spark

lead to a fire, this could result in injury or loss of life, which may be attributed after an enquiry, to this Bill. The Petitioners therefore wish to humbly suggest that, as it stands, the school building will not offer adequate protection to its occupants and that there is a significantly increased risk to health and safety over time. Your Petitioners request that the school buildings are surveyed prior to construction and seek an undertaking from the Secretary of State that any measures required to improve protection against the above factors are put in place. This may require upgrading of existing buildings or moving the school to a new site altogether.

19. Electro-magnetic interference

Electronic communications apparatus: Section 10 gives the undertaker the right to install any electronic communications apparatus or to provide additional capacity for electronic communications, constructing any extension or other alteration of electronic communications apparatus in connection with providing such additional capacity.

20. Your Petitioners are concerned by the prospect, during the construction and operation of the project, the open-ended provision for telecommunications may include additional electromagnetic fields adversely affecting electrical equipment and human health and wellbeing of children and adults. Owing to this, your Petitioners request that the promoter or Nominated Undertaker produce a statement of the method which will be used to monitor electromagnetic fields before, during and after construction, and that such statement will be adhered to.

21. Noise levels in the school environment

Your Petitioners are concerned about the noise level that will be experienced in classrooms. In addition, regular use is made of the outdoor learning environment (physical activity and sports, outdoor lessons, wildlife area, school vegetable garden, rabbits and chickens) where increased noise would have even greater impact.

22. Impact of noise on teaching and learning

Your Petitioners consider that due to the proposed frequency of trains, the accompanying noise, at any volume, must represent a significant disturbance to the operation of a school, an establishment singularly designed for the business of learning. It even outstrips the frequency of traffic experienced by some of the world's busiest airports.

Teachers rely upon acceptable environmental conditions to teach. Much of teaching requires speaking and listening, by both adults and children. If the ability to speak clearly and to be heard is reduced, learning must therefore be reduced. This has impact for all children but an additional consideration is

that many children with learning disabilities find excessive noise upsetting and noise can be a very significant factor in increasing anxiety in vulnerable children. The importance of near silence to avoid distraction is particularly important during times the children are being tested and assessed; this includes periods when the formal national Standard Assessment Tests (SATs) and other tests are being completed. The impact of noise and resulting reduction in quality of learning and disruption of lessons and other school activities is of greatest concern to your Petitioners. To ensure this is mitigated against, your Petitioners respectfully request that construction work in proximity to the school is only carried out outside school term times, when the school is not in operation and when related activities, for example holiday child care provision are not taking place.

23. Impact on outdoor learning

Your Petitioners wish to highlight that the HS2 development will take away a significant section of the school grounds and will reduce the quality and experience of using the remaining grounds both during construction and in the long-term. The school has not been consulted or made aware of any plans to replace the land lost, in either the short or long-term.

- I. The school has a well-established outdoor learning environment and lessons regularly take place outside. The outdoor facilities include an amphitheatre with seating for outdoor performances; two adventure playgrounds with picnic seating; and an extensive wildlife area. The school also has established vegetable gardens used by the children and the children take particular delight in keeping chickens.
- II. The school buildings have very poor insulation against heat. Air movement and ventilation is poor and often classes read outside, listen to stories and play games and music. The wildlife area is also used for more adventurous activity including wildlife observation and supervised campfires.
- III. Our children believe strongly in the issues of caring for the earth and our environment. The school has been recognised for its environmental work by Warwickshire Wildlife Trust. Children have appeared at The RHS Gardeners World Live Show at The National Exhibition Centre. Children and outdoor activities have been recognised and shown on the National Trust website. Finally, the outstanding environmental work of the children has seen them filmed for Wastebuster, a nationally recognised recycling organisation. Children have interviewed councillors and experts on film and have been recognised by Warwickshire County Council where they spoke at a recycling conference. A group of children from the school has since been chosen as entrants, and also to report on the Global Earth Summit to be held in The Houses of Parliament next month (June 2014).
- IV. These are all aspects of provision which have been encouraged as part of good education practice and aspects of learning which particularly meet the needs of children who may not get

access to these activities at home or may need these physical activities to help manage behaviour of social skills.

- V. Your Petitioners wish to highlight that the route of the Water Orton spur of the HS2 line is on the site of the school's wildlife area. In addition, the vegetable and livestock area is within one metre of closest part of the land acquired for the development.
- VI. The outside areas are south facing and will be impacted by the full effects of noise, dust and pollution from the development of the project. The site being to the south will also be upwind and therefore sound and dust will travel directly towards the school grounds
- VII. Your Petitioners request that the area of school grounds lost to construction is replaced with equivalent land of similar size, quality and with similar potential for use and that every possible mitigation is put in place to minimise noise, vibration and dust when the school and grounds are in use. As outlined above your Petitioners respectfully request that to achieve this any work in close proximity to the school is only carried out when the school is not in operation.

24. **Impact on facilities for play**

- I. Children attend school to learn. They also attend to play. All children play outside every day. Children are playing and learning using the outdoor areas of the school before the school day even begins, during break times, lunchtimes, and after school. The daily time taken up by these informal activities amount to approximately 1½ hours per day, or 7½ hours per week, in addition to time spent in outdoor learning as outlined in 23.
- II. In addition the on-site pre-school facility has more than 70 children of pre-school age on site and they spend much of their day outside playing, role playing and learning about their environment. At Reception age, between 45-50 children spend a significant proportion of their lesson time outside. Both early years and Reception have canopies to allow children to do this at all times of year.
- III. Whilst it may sound trivial to someone who is not familiar with education practice, play is a significant part of children's learning and there is an undeniable degree of evidence in schools to prove that play is a fundamental part of learning, social development and physical development. These principles have been found to play a crucial role where education is judged to be more successful; for example in Scandinavian countries.
- IV. Potentially, each child could suffer detriment for at least the first three years of their learning. If this is multiplied by the number of years for construction and for any effects after completion, this will have a long lasting legacy and a profound impact on many, many children.
- V. Children clearly have only one opportunity to experience the vital years of childhood and your Petitioners humbly request that in the interests of those children, further study and consultation

is carried out to safeguard the well-being of children who will be at this vital stage in their development during the construction and active phase of the project.

- VI. Your Petitioners also request that the measures proposed in 23 are put in place to reduce the negative impact on play.

25. Impact on provision of Physical Education

- I. The school employs two sports coaches who, alongside other staff members, have built on the school's sporting foundations and have greatly increased access and participation in sport. Children participate in organised sports activities at lunchtime; some competitive, some less so.
- II. Children receive at least two hours per week of varied physical instruction, much of which takes place outdoors. This includes football, tennis, netball, cricket, athletics, cross-country and many other sports and activities. The school also hosts and organises annual inter-school cross country events with up to 400 children of ages 7 to 11 using the school grounds and the local area.
- III. Your Petitioners are concerned that for all the reasons already outlined in 22, 23, HS2 construction and operation will have a negative impact on children's physical education, reducing engagement, enjoyment and participation, reducing physical activity levels and increasing health risks associated with a sedentary lifestyle. This is an apparent paradox with the measures your honourable House has put in place to increase physical education provision in schools. Your Petitioners request that the mitigation measures already outlined are put in place to protect against this.

26. Impact on after school activities

- I. On most weekdays, between 50-150 children access after school activities. There can be 50-100 children using playground, field and nature areas on given evenings. Some of these children will be attending to develop a love of sport and fitness, some for learning about the joy and fulfilment of caring for the environment. Others attend the registered after school child-care provider. This provider also provides school holiday child care provision on the school site.
- II. Your petitioner wishes to highlight the relevance of after school clubs and childcare to the livelihood of a school community. This school has good 'wrap around' provision and many parents regard this as a strength of the school and its wrap-around provider. The school is over subscribed, with a waiting list.
- III. Your Petitioners are concerned to ensure that the economic benefits of HS2 are not negated by the social impact. The wrap around and holiday provision on the school site means that parents are able to maintain working lives and continue in employment, knowing that their children are well cared for and that they have opportunities to further their learning. Should the quality of provision made by the school and its independent wrap around provider be seen to deteriorate

due to pollution, noise and other factors, the Petitioners are concerned that this will have a negative impact on the wellbeing of the community the school serves and also on the financial viability of both the school and its early years/ wrap around provider.

27. Aesthetic considerations

Under section 29 of the works, the undertaker has freedom to remove trees. The Petitioners humbly request that sensitivity is used in the removal of trees in the landscape and consider that excessive use of this power would affect:

- I. The impact on drainage and acoustics. The Petitioners wish for further research to be carried out into how the removal of trees will impact on the above. The Petitioners are not aware and have not been consulted on the impact of the unhindered removal of trees.
- II. The aesthetic landscape. The local area is already surrounded by motorways, but is somewhat preserved in a peaceful oasis of tranquilly which is part of the greenbelt corridor. The landscape has hills, woodland, meadow and wildlife. Horses graze in the land next to the field. It has an aesthetic appeal. It is pretty. Visitors often comment on this and we, as a school are proud of this feature. Your Petitioners consider that the Bill will spoil the aesthetics and request that the Bill is reconsidered for this reason and provision is made to make any landscaping, not merely functional, but aesthetically attractive.

28. Regeneration and reinstatement

If your honourable House decides that the scheme should continue and the school continues to operate as the construction phase commences, then your Petitioners request that the most stringent mitigation measures should be put in place for the protection of the health and safety of pupils, staff and parents, and to ensure that the school is able to retain its facilities and the education of the pupils is not disrupted. Such measures should include a requirement that HS2 construction traffic should be directed away from the school at all times and that any construction work in close proximity to the school should be carried out only during school holidays at times when the school is not in operation and the grounds are not in use.

However, even with such mitigation, your humble Petitioners believe that Water Orton Primary School and its associated early years facility will be still be badly affected by the construction and operation of the works, because it will be situated some 150 metres from the proposed railway and closer still to the proposed construction compound. It is the strongly held opinion of your Petitioners that the effects will be so severe that the school and facility should be relocated elsewhere in Water Orton village.

Your Petitioners therefore request your honourable House to require that the Promoters or the Nominated Undertaker should fund the construction of a new primary school for the Water Orton community, to be built prior to significant works taking place on the project and therefore mitigating the negative impact of the construction phase and long term effects of HS2 on the learning community for years to come. This issue is of the utmost importance to your Petitioners.

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

Signed by the Chair of Governors of Water Orton Primary School

Mrs Helen Reilly, Chair of Governors

19/5/2014

HOUSE OF COMMONS

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

THE GOVERNING BODY OF WATER ORTON PRIMARY
SCHOOL, WARWICKSHIRE

AGAINST,

BY COUNSEL, &c.