

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – Praying to be heard By Counsel. &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of Nicholas & Victoria Murphy

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.

Clauses of the Bill

- 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.

Your Petitioner

- 7 Your Petitioner, Nicholas & Victoria Murphy, are residents in the parish of Greatworth in the county of Northamptonshire, which has a population of 890 (according to the 2011 census data).
8. The proposed route of Phase One of HS2 passes through the parish of Greatworth. The route cuts across open fields between a green tunnel and a length of cutting. The route destroys an area of ancient woodland at Halse Copse and is within 100m of a working Grade II listed farmhouse. We are most concerned by portion of the route that is between the green tunnel and the cuttings.
- 9 The provisions of the Bill will injuriously affect most of the area of which your Petitioners are the local residents, and your Petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.
- 10 Your Petitioner will be affected by the works proposed under the bill. This includes highways that will be used as major construction routes, footpaths that will be removed, areas of green space that will be lost, areas which will be converted into construction sites, land to be used for ancillary plant buildings, land to be used for construction materials.
- 11 Your Petitioner has sought to raise their concerns with HS2 Limited and the Government in the development of the proposals through previous submissions. However, as outlined in this petition, we hav substantial outstanding concerns with the appraisal work, design and development of the project and the particular powers now proposed in the Bill.
- 12 Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner's Concerns

- 13 In summary your petitioner is concerned that although the principle of HS2 has been established by the second reading of the hybrid bill, it feels like the cost of the project is being squarely placed at the feet of communities such as Greatworth. Being situated almost at the mid point of the line, residents will never use the line, we have no local transport infrastructure that will see a benefit from the users of the line switching services. However we have seen property values drop, face the prospect of years of misery during construction and then the on-going nuisance when the line is in operation.
- 14 Each of your Petitioner's concerns is explained more fully below and solutions to its concerns identified. Your Petitioner recognises, however, that other solutions to these concerns may be brought forward and, insofar as those are to be preferred, it would wish to associate itself with them.

- 15 Your Petitioner's concerns relate to issues relating to noise, construction traffic, height of line, compensation, woodland and wildlife, siting of compounds and public rights of way.

Compulsory acquisition powers for regeneration

- 16 Your Petitioner is concerned about the powers to acquire land and rights in land compulsory set out in clauses 4 of the Bill, and believes that the powers sought go beyond what is required to achieve implementation of HS2. The powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create additional blight.
- 17 Your Petitioner seeks an assurance that the Secretary of State will acquire no greater amount of land than is reasonably required for the construction and operation of the works authorised by the Bill. Your Petitioner requests that the Bill and the deposited plans be amended to exclude land that is not required, or that the Secretary of State be required to enter into legally binding agreements with land owners saying that land that is not required will not be compulsorily acquired. Your Petitioner respectfully requests that clause 47 be removed from the Bill.

Noise

- 18 Your petitioner is gravely concerned about the impact of noise on the tranquillity of South Northamptonshire, which has recently been ranked as the third best place to live in the whole of the United Kingdom by the Halifax Building Society. South Northamptonshire Council has carried out local noise monitoring, and has evidence that the local dBA level is typically between 25 and 35, measured at six locations in the district within 200m of the proposed line, a mere fraction of what it will be once the proposed railway line is in operation. Noise is one of the most widespread concerns in this area, and many of the mitigation requests are related to a desire to reduce the intrusive noise of ultra high speed trains in this currently tranquil countryside. In addition to our complaint we are aware of the communities of Whitfield, Brackley, Radstone, Thorpe Mandeville and Boddington have also expressed significant concerns about noise.
- 19 The existing promoter guidance is that noise mitigation is not considered necessary where average decibel levels are predicted to be below 50dBA. In short, an urban area will receive mitigation where noise levels are anticipated to rise from, for example 45dBA to 51dBA, whereas a rural area, such as South Northamptonshire could see levels rise from 25dBA to 49dBA without any mitigation.
- 20 Your petitioner requests that the Promoter or Nominated Undertaker be required to provide mitigation to reduce the nuisance where ambient dBA noise levels are either predicted to be or turn out to be more than 40 dBA during the day or 35 dBA at night time.
- 21 Further, your petitioner requests that as the main driver for the proposed railway is apparently no longer speed, and as noise is directly related to speed, the night-time running speed of the railway in rural areas should be limited to no greater than 200kph during the last two hour of operation in the evening (anticipated to be from 10.00pm till midnight).

Construction Compounds

- 22 Your Petitioner is gravely concerned about the impact of the proposed Greatworth Satellite Compound adjacent to Greatworth Hall. Your Petitioner anticipates that the open space and public rights of way will be surrounded by intolerable construction activity, and seriously affected by noise, vibration and dust. There will also be serious visual impacts for the residents and businesses at Greatworth Hall, the residents of Astral Row and Helmdon Road. All of this will significantly reduce the quality of life for your Petitioner, make the current businesses at both Greatworth Hall and Greatworth Park unviable, make learning difficult for the staff and pupils of both Greatworth Primary School and Greatworth Pre-School and reduce enjoyment for users of the open space and Public Rights of Way.
- 23 Your Petitioner requests that the area is unsuitable for a worksite but that if it has to be there, then the best means available for minimising noise, dust and vibrations both during construction and operation are utilised. Furthermore, your Petitioner requests that noise, dust and vibration monitoring equipment is installed at Greatworth Hall and Greatworth Primary School for the duration of construction, and a monitoring programme agreed with South Northamptonshire Council. If monitoring shows that the noise thresholds are exceeded, works should stop immediately until noise mitigation can be installed.
- 24 Furthermore your Petitioner requests that the Greatworth Satellite compound should be moved to an area to the North of the Sulgrave exit of the Greatworth Green Tunnel. This would remove the many of the concerns about the visual impact of the Greatworth Tunnel satellite compound and the associated issues of traffic, light pollution and noise. There is a relatively flat area near the junction with the A4525, exit of the tunnel. This junction needs to be rebuilt as part of the construction phase and citing the compound near to this location would protect Greatworth.
- 25 Additionally your Petitioner requests that tree planting is carried out prior to any construction to ensure that screening is effective to some extent prior to construction.

Construction Traffic

- 26 Your Petitioner is gravely concerned about the impact of workers accessing the Greatworth Satellite Compound site, and the impact this will have on the local road network, the B4525 is already a dangerous stretch of road with a number of fatalities in recent years. An additional 300 workers are expected to work from the site during 6 years of construction. Your Petitioner and the constituents we represent are regular users of roads in the area surrounding the proposed Compound, and are concerned that increased traffic will produce additional risk, create significant congestion and increase pollution in the surrounding area
- 27 Your Petitioner requests that additional public transport is provided to bring workers to the site, and that this provision be maintained after the construction phase for local use. Currently the village is poorly served by public transport and given the huge expense on a railway with no local stops adding additional subsidies to the local transport provision would be welcome. The Petitioner further requests that all traffic, HGV and workers vehicles

associated with the construction of HS2 be barred from entering the villages of Greatworth and Halse.

- 28 Your Petitioner is concerned about the effects that construction traffic will have on B4525 Welsh Road due to its already regular use by HGV traffic making the connection between the M1 and M40, and also the local bio-mass energy plants. Concerns are also raised about the suitability of Halse Road, Helmdon Road and Marston Hill for construction traffic.
- 29 Your Petitioner is also gravely concerned that temporary closure of Helmdon Road will result in considerable challenges for the users of Greatworth Schools and businesses. We regularly use the Helmdon Road in order to get to the B4525, access the social club, and access footpaths in the area and I also ride along Helmdon Road to access a bridleway and therefore will be directly affected by this road closure. The bridleway, one of the few in the local area will be disrupted by the construction of HS2. Your Petitioner also maintains that the closure of the Helmdon road will significantly increase the traffic exiting the village along either Halse Road or The Dump/Nursery Road.
- 30 Your Petitioner requests that Helmdon Road, Halse Road and Marston Road are not used by HGVs at any time. And that construction traffic on the B4525 is restricted to the hours of 10:00 to 15:00 Monday to Friday and not at all at the weekends in order to minimise the negative impacts of construction routes. During construction, the nominated undertaker must maintain the quality of the road, and after construction, the road must be returned to its original size and character, and all damage repaired by the nominated undertaker. A hotline should be set up allowing road users to report any damage to the road, and Northamptonshire County Council as highway authority should have access to all reports, to ensure these are addressed in a reasonable length of time.
- 31 Furthermore it has been stated that on average there will be 850-1430 daily combined two-way HGV trips from the A422 Brackley Road overbridge. (p228 table 21 of the CFA report Newton Purcell to Brackley). Your petitioner requests that a greater proportion of lorry journeys be made along the line of the rail route to reduce the number of journeys needed on public roads.

Operational Concerns

- 32 Your Petitioner requests that the Greatworth tunnel be extended along the line of the route towards Radstone, to remove the long term effects the Railway will have on the community and to attempt to restore the area to the current tranquil ideal.
- 33 Your petitioner requests extending the green tunnel and creating a new escarpment, the immediate community then can be shielded from much of the on-going operational effects of the railway. The independent assessors report into the Environmental Statement Responses concluded that a "modest extension of the green tunnel at Greatworth would remove many of the local objections"
- 34 Your Petitioner is concerned about the design of the green tunnel portal to the North of the Village. This structure will be clearly visible from the homes of a number of residents and also those enjoying the Public rights of Way, and it

will not fit in with the surrounding environment. This will have a significant negative impact on the landscape, and ruin the aesthetics of the local environment.

- 35 In order to minimise the impact of the proposal, your Petitioner requests that prior to construction, Greatworth Parish Council and other local residents should be consulted meaningfully on the detailed drawings and plans for the Portal building. It must be designed to fit in with the surrounding environment, and be maintained to a high standard. Visual screening must be put in place, and this must also be maintained to a high standard.

Working hours

- 36 Your Petitioner objects to the working hours set out in the draft Code of Construction Practice. Your Petitioner regards the proximity of the Greatworth Satellite Compound, and the possible construction routes to the village and therefore will be directly affected by construction works and traffic for over 6 years.
- 37 Your Petitioner requests that working hours in the evening and weekend are curtailed to ensure that the site does not operate 24 hours a day. Work should cease no later than 10PM and not at all on weekends. No work should be undertaken on vent shafts outside construction core hours, and should any work required outside core hours; this should be at the discretion of local authority. Justification as to why work must be carried out outside of core hours will be required.

Height of line

- 38 Your Petitioner is concerned about the varying height of the line through the area adjacent to Greatworth. The original announcement of HS2 had the line on a 40m embankment, through initial consultation and agreement with the Promoter the January 2012 plans included the addition of a green tunnel and the line running along the base of the small valley to the south of Greatworth Hall. The Environmental Statement has the line now passing the village on a 8m embankment. Your petitioner is concerned about further increases and the provision in the bill for the height of the line to vary by as much as 4m as it passes the village.
- 39 Your Petitioner requests that the height of the line should revert to ground level as per the January 2012 maps. We request that the height of the line be capped at ground level between the green tunnel exit at Helmdon Road and the start of the cutting alongside Greatworth Hall. This will allow for the village to be shielded from majority of the noise. Extending the green tunnel between these points would solve this issue. Alternatively a new overlapping bund should be constructed from the exit of the green tunnel to the highest point of the next cutting to the south of the line and also additional sound proofing should be provided to the north of the line.

Greatworth autotransformer station

- 40 Your Petitioner is concerned about the landscape and visual impacts of Greatworth autotransformer station and the balancing ponds at Greatworth Hall, both of which introduce new infrastructure into the landscape. The new infrastructure will be visible from the village and therefore the works will

directly affect the village.

- 41 Your Petitioner requests that all National grid overhead lines serving the site are buried, and a sensitive design is used for the station building. The design of the autotransformer station should be produced in consultation with the local community, and it must be designed to fit in with the character of the area, taking into consideration the close proximity to both the Listed Farm House at Greatworth Hall and also the Greatworth Conservation area.
- 42 Your Petitioner request that the autotransformer should be moved to the Northern end of the Green Tunnel at Greatworth. This would save the need for additional planting to hide the building and infrastructure from the village.

Footpaths and Rights of Way Issues

- 43 Your Petitioner objects to the Bill because of the proposed temporary closures and the permanent closure of a number of footpaths around Greatworth. The footpaths represent an important community asset to your Petitioner and we use them frequently. The Public Right of Way is vital to your Petitioner for a number of reasons, including wellbeing and fitness. The loss and/or diversions of these footpaths for years will have significant negative impacts on your Petitioner.
- 44 Your Petitioner requests that these public rights of way are not closed for any length of time. If the right of way is to be diverted, then a replacement right of way of an equal or similar length must be provided between the same locations first, and this must not run parallel to the HS2 track. The replacement public right of way must be planned in consultation with the local community including the Parish Council.

Wildlife and Ecology

- 45 Your Petitioner is concerned about the impacts of the loss of woodland, vegetation, specific habitat along the route through the Parish on the local wild life and specifically the Barn owl community. The loss of any wildlife habitat affects your Petitioner and other residents of Greatworth, who regularly go to the countryside to appreciate the variety of wildlife in this area.
- 46 Your Petitioner requests that habitat compensation should be like-for-like, with no net loss of habitat of comparable ecological value, and that a net gain in biodiversity/habitat compensation is delivered. This must be delivered as close as possible to the site of loss, in locations which will not be further impacted. Planting mitigation should be carried out will in advance of vegetation removal, so that habitats reach their functional maturity before the original habitats are lost. Further more the increased Green Tunnel as requested by your Petitioner would also significantly mitigate the risks to the local diverse wildlife specific Barn Owls and Bats who according to the HS2 Environmental Statement risk being wiped out.

Water Courses

- 47 Your Petitioner objects to the use of balancing ponds in the local Area. Your Petitioner and the local residents use the walks and land in the surrounding area, and balancing ponds would alter the character of this area.

- 48 Your Petitioner requests that alternatives Sustainable Urban Drainage System techniques are considered in consultation with the local authority. If balancing ponds must be used, they should not be artificially lined, and they should be used to support imaginative ecological enhancements and maintained with some water and vegetation at all times.
- 49 Your Petitioner is also gravely concerned about the increased flooding risk to the surrounding areas associated with HS2. This risk is not only along the Greatworth stretch of the line and especially in view of the extensive flooding witnessed during the 2013/14 winter. Your Petitioner requests that further evaluation of the associated flooding risks be carried out as HS2's standard answer when asked about flooding is to assert that HS2 is designed to withstand once in 100 year floods but this does not address the potential impact on the surrounding areas.

Greatworth Green Tunnel

- 50 Your Petitioner supports the construction of a green tunnel in between Helmdon Road and Sulgrave as proposed by the Bill, thereby avoiding further detrimental impacts on the parish of Greatworth. Your Petitioner requests that this green tunnel remain part of the Bill.

Conclusion

- 51 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.
- 52 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 PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your 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 Petitioner will ever pray, &c.

Nicholas & Victoria Murphy

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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Nicholas & Victoria Murphy

AGAINST, By Counsel, &c.

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