

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 LUKE OLDFIELD

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 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 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 petitioner Luke Oldfield has lived since birth in 1986 in his family home at Little Halings, Tilehouse Lane. The property includes a professional recording studio built by your petitioner's father, Mike Oldfield, in 1981. The studio was designed by renowned studio architect and designer, Eddie Veale, who has built recording studios since the 1960's for many artists and establishments including John Lennon, Eric Clapton and The Ministry of Defence. Several internationally successful albums and recordings were made at the studio by Mike Oldfield until he separated from your petitioner's mother in 1986 and moved out of the property taking the contents of the studio with him. Your petitioner has used the studio for his own home recordings and musical projects since writing his first song in 1998. In 2010, after completing his studies, your petitioner rewired the studio, installed equipment and began operating the recording studio commercially whilst continuing to use it for his own musical projects. Your petitioner's partner teaches piano lessons at the studio and also in the house. The recording studio provides the primary source of income of both your petitioner and his partner.
8. Your Petitioner and their rights, interests and business are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
9. *a) Noise*

Two meadows at the property Little Halings are subject to compulsory acquisition under the Bill (although this land was not earmarked for possible construction work under the HS2 Safeguarding provisions). Your petitioner believes that the Promoters have provided no proper justification as to why this land is required and that the powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create further blight.

Your petitioner is concerned by noise levels caused by the construction and operation of the high speed railway. The two meadows at Little Halings are approximately 25m and 135m from the property respectively. Actual measured noise levels from the U.S. Department of Transportation's Federal Highway Administration's "Construction Noise Handbook" of heavy machinery operating 25m away would reach the property at noise levels between 69dB (a pickup truck) and 97dB (a piledriver). At 135m these same noises would arrive at the house at 55dB and 83dB. These noises would occur erratically resulting in random noise pollution in the house and recording studio. The noise floor in the studio must remain at a constant level of below 30dB for professional audio recordings to be possible. High, erratic noise levels of up to 97dB would render the studio unusable if the meadows were to be used for construction because any momentary burst of noise would be picked up by microphones and compromise the audio being recorded. The primary objective of audio recording is to minimise background noise in the room or at least keep it constant. Currently there is very little outside noise in the environs. Your petitioner often has the windows open in the studio Control Room, where most of the equipment is located. This airflow allows the room to be kept cool, preventing equipment from overheating, damage or possible fire and is a luxury in

any recording studio reducing the need to install air conditioning. Your petitioner believes that the Promoter has gone beyond what is necessary for construction by earmarking this land for possible construction under the Bill and requests that no land at Little Halings, or only that which is absolutely necessary, should be subject to compulsory acquisition.

Excluding the land at Little Halings earmarked for compulsory acquisition, the main construction site is located 180m from the property and the studio. A 180m distance equates to a 17dB reduction in noise when compared with noise at 25m. Noise from heavy machinery would therefore arrive at the property at noise levels of up to 80dB. Your petitioner requests that acoustic screens be erected along the boundary of the construction sites bordering the property in order to mitigate, as much as possible, noise from heavy machinery in fields adjacent to Little Halings that could impact negatively on your petitioner and the rest of the residents in the house as well as local wildlife.

The railway is located approximately 295m from the recording studio. Estimates for noise levels of a passing HS2 train from 50m away from the track are 85 - 95dB. Noise at 295m would therefore equate to 69 - 79dB. The Promoter has included acoustic screens in the proposal for the completed railway but it is doubtful how effective these screens will be. The Promoter's "Appraisal of Sustainability" has overestimated the effectiveness of the acoustic screens in combating noise levels by presuming that noise will be generated by the train from ground level at 0m instead of the full height of the train at 5m. Clearly this is misleading as noise will be generated across the full height of the train, not at 0m only. Height of noise sources is an important factor. The Promoter's simulated results, when compared with actual measured results from Eurostar trains, can be shown to overestimate the effectiveness of acoustic screens by up to 15.8dB according to "The Effect of Choosing the Wrong Height in Noise Models" by M. Ausejo et al (2008). This equates to an overestimate of around 250%, which is misleading. Your petitioner requests that the Promoter be compelled to use the best possible noise reduction techniques and fences to minimise sporadic noise from passing high speed trains, to meet World Health Organisation specifications and to cut no corners in doing so in order to meet Budgets.

The UK Department for the Environment's "Bothered By Noise?" booklet (August 2010) defines a studio's noise floor as 20dB. Your petitioner requests that noise levels should be monitored during construction and operation of HS2 and that compensation for loss of income should be given to your petitioner if noise levels within the studio exceed 30dB.

b) Visual Impact

Presently in the nearest of the two fields there are a caravan, a barbecue and wooden stools situated in the meadow for recreational use. The meadow provides both a picturesque view from the property and a quiet, secluded location for your petitioner and his family to live in. Compulsory acquisition of this field would remove the enjoyment of the green belt meadow-land and quiet countryside instead replacing it with a construction site. The nearest meadow has been used by your petitioner, his family and friends as a location for private events such as a music festival, film-making and weddings. Your petitioner is concerned about the long-term noise, vibrations, dust and detrimental visual impact that would occur if this meadow is to be used during construction. Your petitioner requests an undertaking that the meadows at Little Halings are not subject to compulsory acquisition, nor used during construction.

c) Lights

Your petitioner requests that lighting in and around the construction areas and the railway should be screened so as not to disturb residents and wildlife in the area.

d) Public Right of Way (PRoW)

Your petitioner is a regular user of PRoW DEN/2/1 adjacent to the property, where he goes running or walking with his dog. It is an historic bridleway and border between counties known as Shire Lane which is lined on each side by an ancient hedgerow. Your petitioner can see no reason to remove these hedgerows during construction especially as the Promoter has stated that the aim is to plant a new 'ancient' woodland alongside the bridleway. Removing the hedgerow would remove the acoustic barrier it provides between the construction site and the studio and property. Your petitioner requests that the hedgerow is left intact on both sides of the bridleway adjacent to the meadow opposite the studio.

e) Working Hours

Your petitioner lives and works adjacent to the construction site and objects to the working hours set out in the draft Code of Construction Practise. Your petitioner requests that working hours be curtailed to between 8am and 5pm Monday to Friday.

f) Environmental Impact

The Colne Valley is an Area of Outstanding Natural Beauty. Its location close to West London provides an amenity for people in the local area, London and further afield to engage with the countryside. It also acts as a green belt barrier preventing the urban sprawl of Greater London expanding. Construction of the railway will irrevocably damage the Colne Valley. Your petitioner suggests that this green belt land should be protected by tunneling under the Colne Valley and joining with the high speed railway Chalfont tunnel in order to protect the ecology of the area.

10. 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.
11. For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.
12. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against 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.

Signed

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