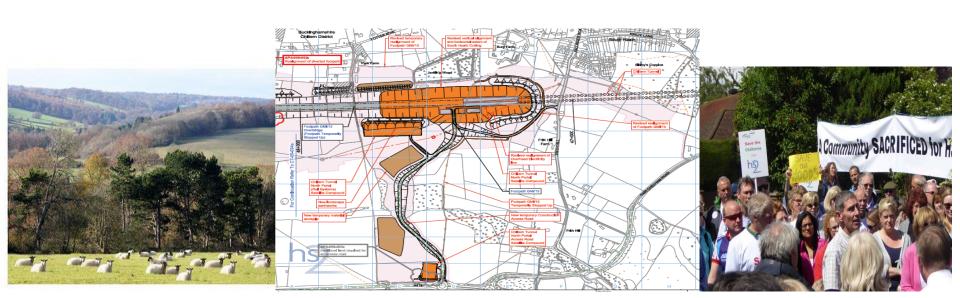
## Petition 51 and 245



# AP4 petitioning update: REPA (245) and Sibleys Rise (51) 19 January 2016



Sibleys Rise location



member

# ASKS update



Tunnelling: at minimum to go the extra mile Non tunnel:

Traffic: Move the haul road north to Leather Lane

NTS: Remove location criteria; blighted homes in South

Heath to stay eligible

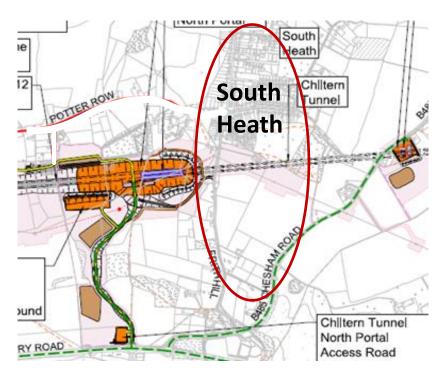
**Pylons:** power lines buried; failing that only 1 not 2, and not taller- consult on actual proposal

**Noise**: more mitigation and oversight justified by peak noise levels to protect residents in a quiet area. Make 'all reasonable steps' reasonable!

# AP4 Need to Sell changes



"....therefore if AP4 is adopted, the property schemes would not be available in the area parallel to the tunnel and would be removed ". Eg HS2 Ltd Letter of 5 November 2015



- South Heath remains blighted:
  - In construction (2017-2025)
  - In operation (proximity to portal)
- Many unaware of forthcoming change
- Having waited, residents may now be trapped for a decade or more
- 3-month transition not the answer
- PRD says our concerns 'not associated with proposed AP4 amendment'

## The underlying issue



.....It may be that their houses are not as blighted as they might have been previously but that is a consequence of the benefits of change through the scheme. It does not affect the general application of Need to Sell, which I have indicated is not geographically based anyway.

Mr Strachan(DfT), para 104 24.11.15

#### The problem:

- 'Location criterion': what the NTS Panel regard as ACTUALLY 'substantially adversely affected', which may not be how the market PERCEIVES it hence the market blight
- Rationale for the 'location criteria': remains flawed:
  - "..to ensure that the Government is not obliged to accept an application from an unreasonable distance away". (HS2 Ltd to HS2AA 12.03.13).
  - "...perceived (by HS2 Ltd) as a responsible attitude to not exacerbating blight" (Helstrip v HS2 Ltd where judge said this was inconsistent with scheme (EHS) purpose; 29.1.13 para 44).
  - It's HS2 Ltd who can influence the market homeowners are passive victims of the blight
  - Means compensation will not be proportionate to actual losses suffered

...the polluter (HS2 Ltd) who causes the market blight should pay

## Need to Sell Asks



#### Ask

Remove the 'location criterion' from NTS

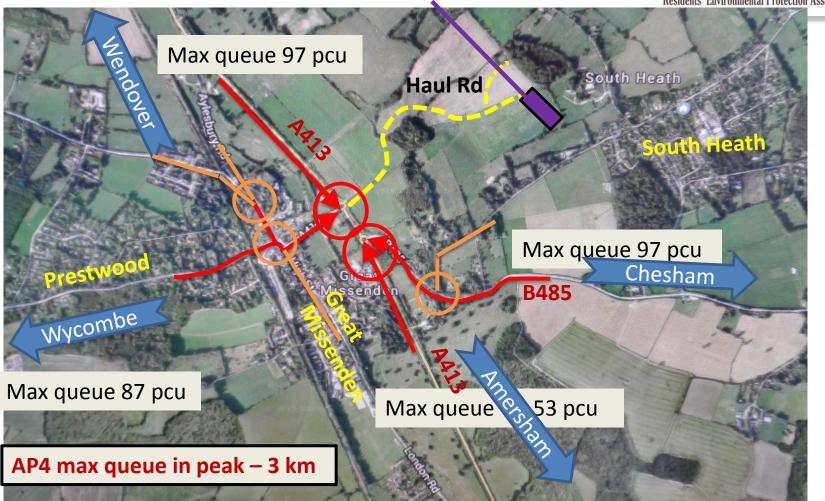
#### **Failing that:**

- Blighted homes in South Heath (ie a blighted area) to be eligible
- Better communication to all affected
- Post any AP4 change:
  - HS2 Ltd should specifically report on cases rejected on grounds of location criterion yet satisfy other criterion
  - Independent scrutiny (Residents Commissioner, but reporting to Parliament) of Report

..... don't punish the victim when HS2 Ltd fail to assure the market

## AP4 Traffic issues

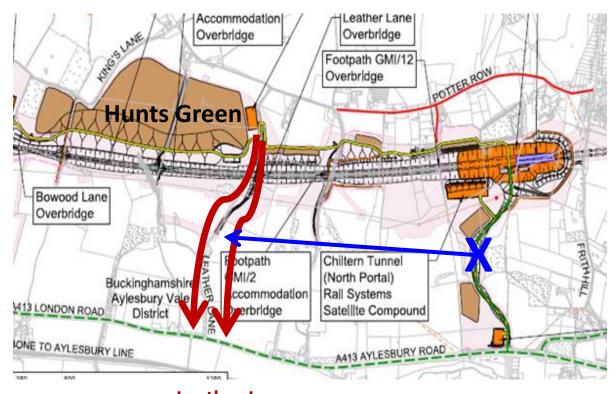




..... it's common ground there is a problem:
Unspecified road 'improvements' at GM is not the best answer

# ASK: move haul road north





Leather Lane: South or North

#### **Options:**

Leather lane (N, or S)

#### **Benefits:**

- Direct route to HG site
- Avoids doubling back on Potter Row section
- Relieves GM Junctions
- Avoids GM visual impacts
- Less disruption

#### **Requires:**

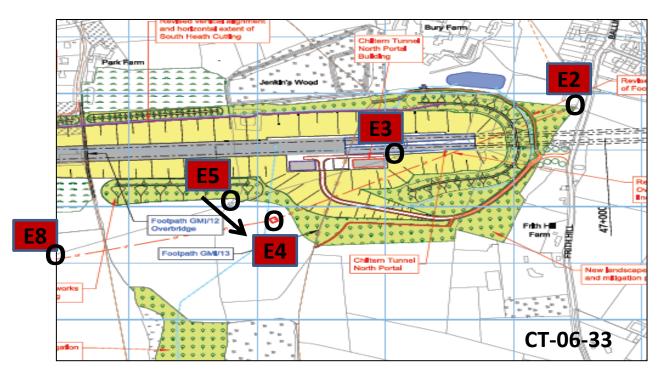
New roundabout

..... petitioners have got together (including BCC) to find a better solution

## AP4 Pylon issue



- Originally: two would move temporarily, then be returned
- Later/AP4: two pylons go (E3 & E5), to be replaced by one taller tower (E4), and an extra change of direction



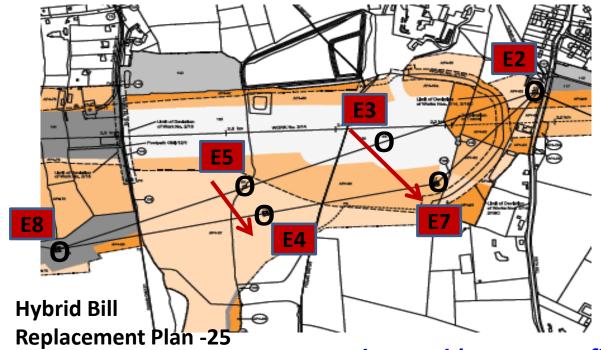
AP4 map (Oct 2015) for consultation

Map consistent with CFA9 Area Report for SES3 and AP4 ES

## AP4 Pylon issue



"The ES assesses <u>one taller</u> pylon, and this is what HS2 has outline planning consent for. However, there is flexibility in the Bill for <u>one or two</u> pylons, but this would only be allowed if the environmental impact of the changed design <u>did not have a significantly different impact</u>". (FOI response 4 January 2016)



Why **not** consulted on?

Who now decides?

HS2 Ltd already agree that "one taller one may affect a wider area of the landscape than the two existing towers"

E7 sited **outside** not inside horse-shoe bund (map shows limit of deviation)

..... gives residents no confidence in the process

## AP4 Pylon Asks



#### Ask

Use change as trigger to bury underground

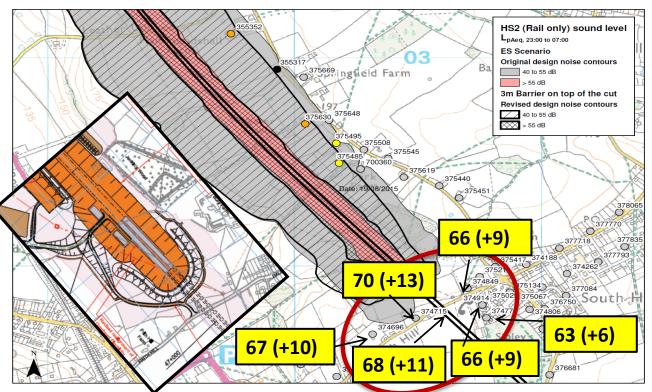
#### **Failing that:**

- Minimise impact, ie keep to single new pylon but not taller
- Consult the public if want two pylons

## Noise issues



"...The LOAELs set by the Promoter include ... 60 dB for the LpAFmax (façade) ..... is used to assess the impact of noise from individual train pass-bys. As required by Government noise policy <u>all reasonable steps</u> will be taken to design, construct, <u>operate</u> and maintain the Proposed Scheme so that these levels are <u>not exceeded</u>." PRD 2015



- 156 homes exceed peak (LAmax) LOAEL.
- Peak matters most says expert.

43 homes are >65dBmax: 84% lie south of portal.

Have all reasonable steps been taken, given

- Train frequency
- Current peak noise
- Homes affected

..... increased depth did not bring the expected/adequate beneficial changes

## Noise Issue (2)



#### 'All reasonable steps':

- Values based on one study in Birmingham in 1997
- Alan Provins (eftec) said values older than 10 years questionable
- No way people in AONB regard noise same way as in city, preferences not uniform – self selection
- DfT/HS2 Ltd grossly underestimating value of reducing noise, and use unrealisticly low values to justify excessive residual noise exposures
- Residual noise levels so high are injurious to health according to WHO and HS2 Ltd (above LOAEL)

## Noise Asks



#### **Asks**

- Reconsider portal end mitigation (retained sides, barriers both sides, longer horseshoe, taller better sited)
- Use realistic values for noise nuisance
- Independent approval body of "all reasonable steps"
- Unqualified guarantee on tunnel boom (given its "well understood" and can "design out effects")

# ASKS update



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