

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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:

THE CORPORATION OF TRINITY HOUSE OF DEPTFORD STROND

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.

*Clauses of the Bill*

3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the ‘Scheduled Works’ set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.

4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.

- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.
- 6 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

*Your Petitioner*

- 7 Your Petitioner is the Corporation of Trinity House of Deptford Strond (“Trinity House”). Trinity House was established by Royal Charter and is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended) (the Act). The role of Trinity House as a General Lighthouse Authority (“GLA”) under the Act includes the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction and the provision of Aids to Navigation. There are two other GLAs – the Northern Lighthouse Board for Scotland and the Isle of Man, and the Commissioners of Irish Lights for Northern Ireland and the Republic of Ireland. In pursuance of its statutory functions, Trinity House is committed to delivering reliable, efficient and cost-effective aids to navigation service for the benefit and safety of all mariners and the protection of the marine environment.
- 8 Your Petitioner leases two parcels of land from Sarah Jane Knott and Joanna Knott forming part of Lower New House Farm Wormleighton, Southam CV47 2XL subject to a 20 year lease from 19<sup>th</sup> December 2007. This land is leased for the purposes of positioning and housing a transmitter system, which comprises an antenna and an earth mat. There is a further stand-by earth mat for contingency. A small enclosure hut is also on the site.
- 9 The transmitter structures are part of your Petitioner’s Marine Beacon Differential Global Positioning System network (“DGPS”), which is operated by all the GLAs. DGPS is a satellite-based navigation system, which provides transmissions with coverage of at least 50 nautical miles around the coasts of the United Kingdom and Republic of Ireland. It is an open system, available to all mariners, which can assist the safe passage of all classes of vessel from cargo ships, cruise liners and fishing vessels to small yachts, by monitoring the integrity of the US NAVSTAR Global Positioning System (GPS) and improving accuracy for safe navigation in waters where the freedom to manoeuvre is restricted

- 10 Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, hereinafter appearing.

*Your Petitioner's concerns*

- 11 Your Petitioner considers that proposed scheme will have a severe and detrimental impact on its earth mat structures located at Lower New House Farm. The proposed upgrade and widening of Wills Pastures Road will encroach onto land held under the lease by your Petitioner, and in particular would encroach over the radius of both the earth mat and standby earth mat structures which are part of the transmitter system. This will seriously damage the DGPS network.
- 12 An earth mat is a set of copper wires buried in the ground and arranged radially from the foot of the DGPS mast at the site. The antenna requires both the mast and earth mat as conductors to operate. An antenna needs 2 conductors to operate and at this frequency, with this configuration, one conductor is the mast and the other conductor is the earth and a connection is made using an earth mat. The second earth mat is on the same site in case a standby mast is required, and the construction traffic route also falls over the radius of that earth mat.
- 13 The construction of a road over the earth mats could severely impact upon the safe and effective operation of the DGPS and transmissions from the site could be affected. If the earth mat were damaged it would have a very serious impact on the ability of the transmitter to produce transmissions and therefore navigational safety could be seriously impaired.
- 14 The positioning of the transmitter at Lower New House Farm is necessary to provide, DGPS coverage in the area of The Wash, off the Lincolnshire coast and northern end of the Bristol Channel, and for providing overlapping DGPS coverage in other parts of the UK. The serious degradation that may be caused to the DGPS network as a result of the scheme is unacceptable to your Petitioner as it would affect the integrity and accuracy of GPS navigation aids used by the mariner, and would increase risk to safety of the mariner and the potential for environmental damage as a result of collisions. At worst, it could cause loss of life.
- 15 Your Petitioner therefore seeks a commitment from the Promoter that:
- (a) the widening and improvement works to Wills Pasture Road should be amended so that the proposed route of the improved road does not fall within any of the land in which your Petitioner has an interest and that the Promoter avoids undertaking construction works over your Petitioner's earth mats;

- (b) should the Promoter be unable to amend the proposed route of Wills Pasture Road, it will, prior to commencing construction works, relocate the transmitter and the standby transmitter to a location to be agreed with your Petitioner, at the Promoter's cost;
  - (c) it will ensure that temporary over-lapping coverage is provided to avoid any gaps in coverage;
  - (d) it will compensate your Petitioner for any loss as a result of damage to its transmitter antenna, earth mats or other apparatus caused by the construction activities;
  - (e) it will minimise interference with your Petitioner's apparatus;
  - (f) that the Bill is amended accordingly.
- 16 For the foregoing and connected reasons your Petitioner respectfully submits that, unless appropriate safeguards are provided to protect your Petitioner and the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.
- 17 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 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 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.

Bircham Dyson Bell LLP

Parliamentary Agents for THE CORPORATION OF TRINITY HOUSE OF DEPTFORD STROND

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON –  
WEST MIDLANDS) BILL

PETITION OF  
THE CORPORATION OF  
TRINITY HOUSE OF  
DEPTFORD STROND

AGAINST, By Counsel, &c.

Bircham Dyson Bell LLP  
50 Broadway  
London  
SW1H 0BL

Solicitors and Parliamentary  
Agents

16 May 2014