

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

HIGH SPEED RAIL (LONDON-WEST MIDLANDS) BILL

Against THE Bill – 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

(1) DAVID CLIFFE and

(2) HAZEL CLIFFE

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.
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 compulsory acquisition, planning permission, heritage issues, trees and noise.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway transport system
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.
7. Your Petitioners are David Cliffe and Hazel Cliffe, owners of the land and properties known as Common Farm and The Barn, Bromley Hayes, Lichfield which is a farm in the county of Staffordshire, (hereinafter referred to as the Petitioners). Your Petitioners’ land is listed in the Book of Reference that accompanies the Bill as plot no in the parish of Kings Bromley.
8. Your petitioners and their rights, interests and property are injuriously affected by the Bill, to which your petitioners object for reasons amongst others, hereinafter appearing.
9. It is proposed by the Bill to 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.
10. Your Petitioners and their predecessors have been farming this land for over 100 years.
11. Your Petitioners have been living with uncertainty and the stress resulting when the access to the route was moved onto your Petitioners land without knowledge or consultation.
12. The location of the proposed Manchester junction at Fradley and, by default, the “spur” has been moved on several occasions. The latest one was only made after the public consultation closed at the end of January 2013 allowing your petitioners no opportunity to record formally disagreement or propose alternatives.
13. The proposed Manchester “spur” will be approximately 800metres from the farm boundary. This close proximity of the “spur” predetermines the route of Phase 2. Your Petitioners have recorded their thoughts and comments regarding this in the draft ES, the ES and the Phase 2 consultation.
14. HS2 Ltd announced in February 2013 that they intend to use our private farm drive for access. There was no mention of this on the maps presented by HS2 Ltd at the public consultation on Phase 1 which closed on 21st January 2013 – only 1 month earlier.
15. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners 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.
16. Your Petitioners object to the proposed “temporary” material stockpile at Works Nos. 3/93 and 3/94. We request that the large stockpile compounds around the A38 be used instead.

17. Your Petitioners object to the proposed Satellite Compound at Works Nos 3/93 and 3/94 because:
 - (a) The proposed site is in a tranquil and environmentally sensitive area of a farm and is an entirely unsuitable location for a satellite compound housing up to 50 people.
 - (b) During construction it would be accessed by a private farm drive
 - (c) There would be security and Health and Safety issues
18. Your Petitioners propose that the Satellite Compound south of the line should be used with access from Woodend Lane
19. It is expected that greater use of the eastern end of Woodend Lane and the A38 will be made to limit damage to the environment. Making greater use of Woodend lane would restrict all construction traffic to the area south of the Trent and Mersey Canal thus addressing the removal of the satellite construction compound.
20. Objection is taken to the proposed Access 68 and 97 and 123 and 149 for "site mobilisation and demobilisation only", for HS2's contractors to construct the northern part of a bailey bridge across the Trent and Mersey Canal. Works Nos 3/93 and 3/94
21. This proposed "access" track up your Petitioners private farm drive has been the subject of much discussions and correspondence with HS2 since they first made your petitioners aware of their intentions at a Bi-lateral meeting at Kings Bromley on 11th February 2013
22. The proposed "Access for site mobilisation and demobilisation only" is not acceptable for the following reasons:
 - (a) Private drive to two properties Common Farm and The Barn at Common farm
 - (b) Slow moving traffic uses the drive on a regular basis
23. HS2 Ltd have confirmed verbally that they would be willing to consider your Petitioners alternative proposals.
24. Your Petitioners suggest:
 - (a) Access to works over the Trent and Mersey Canal can be obtained via a bailey bridge erected from Willow Cottage, Lock Cottage side of the canal. The use of cranes and concreting pumps could be utilised for the works to be carried out on Woodend Common Barn farm and Wood End Long Barn from the south side of the canal thus avoiding the need to use the access track.
 - (b) Taking into account Phase 2, from the east via Fradley Junction using haul roads
 - (c) Re-routeing the farm drive
25. The problem of the access track is compounded by the continuing uncertainty of the exact line of the route of Phase 1 as it has already been moved twice and the fact that the Petitioners farm will be affected by Phase 2. The proposed location of the junction and

the Manchester "spur" has also been moved several times and predetermines where Phase 2 will cross our farm land. These changes and additions were made after the public consultation closed in January 2013 and gave us, therefore, no opportunity to record our views.

26. Your Petitioners object to the proposed HS2 Maintenance Access Route 68 and 97 and 123 and 149 Works Nos 3/93 and 3/94 which will result in significant diminution to the value of the properties and land as a result of third party rights across the farm in perpetuity.
27. Your Petitioners request the removal from the Bill of this Maintenance Access Route and would suggest that maintenance access for HS2 be kept south of the line at Willow Cottage/Lock Cottage. Taking into account Phase 2, access could be from Fradley Junction. This would remove your Petitioners the blight, Health and Safety issues and security issues on the farm land and the properties Common Farm and The Barn at Common Farm in Perpetuity.
28. Your Petitioners object to the powers proposed in clause 51 of the Bill in which persons authorised by the Secretary of State can come anywhere within 500 metres of the line of Phase 1. This is inappropriate in rural areas.
29. Your Petitioners believe this is an infringement of their human rights. This would mean that in theory and in practice anyone could walk all over our land without the owners' permission and knowledge. Apart from the moral standpoint this would pose huge security and Health and Safety risks. Your petitioners ask that this 500 metres should be dropped and access only applied to the construction area (during construction) and within the ownership thereafter.
30. Your petitioners suggest that the proposal put forward by Staffordshire County Council for the line to go under, rather than over, the A38 and the West Coast Main Line be adopted.
31. Your Petitioners would support the proposals being put forward by The Canals and Rivers Trust and supported by the Inland Waterways and outlined in the Hyder Report commissioned by them for the realignment of the train south thus avoiding two crossings in the Fradley Woodend Lock area of the Trent and Mersey Canal.
32. Your Petitioners seek assurances that the Promoter will re-examine the alignment of the railway at this location to determine whether or not a horizontal shift of the railway or a diversion of the Trent and Mersey Canal could be achieved. Your Petitioners believe one of the aforementioned modifications would facilitate a lowering of the railway (by avoiding two separate crossings over the Trent and Mersey Canal) which would reduce environmental impacts and enable greater environmental and community benefits than are currently shown in the Environmental Statement.

This would remove the:

- (a) need for a satellite construction compound

- (b) Requirement to use a private farm drive for "site Mobilisation and Demobilisation "
- © Requirement for permanent Maintenance Access through the farm
- (c) Need to use Common Lane
- (d) Extent of blight to two properties
- (e) Extent of the environmental, visual and noise impacts on the Petitioners
- (f) Reduce the cost of construction

33. The Canals and River Trust proposal would also

- (a) Eliminate much of the visual and noise impacts on the Trent and Mersey Canal, its Conservation Area and the setting of the listed Woodend Lock and Bridge and Woodend Lock Cottage
- (b) Minimise the construction and operational impacts on local canal and towpath users including temporary closures, permanent loss of moorings and ongoing loss of tranquillity in a beautiful and historic area of Staffordshire
- (c) Significantly lower the height of the railway
- (d) Reduce the impact on the environment, heritage, noise and people over a wide area
- (e) Avoid construction of :
 - 80 m long viaduct with separate bridges over the Trent and Mersey Canal
 - 100 m long viaduct over Pyford Brook
 - 100m long viaduct over the Trent and Mersey canal
 - 2 temporary canal bridges
 - Embankments up to 150m long and 17m high before, between and after these viaducts and bridges
 - Satellite compound
- (f) Reduce considerably the number of lorry movements for spoil, soil and materials
- (g) Shorten the building time scale
- (h) Save approximately £54 million in construction costs

34. A38 and WCML

Your Petitioners fully support Staffordshire County Council in their submission to you for the train to pass UNDER rather than OVER the WCML and the A38. The present proposal is for it to cross Cappers Lane in Lichfield at a height of 24m plus pantographs.

35. Whilst your petitioners accept that this would be a direct increase in cost, the indirect cost benefits to the City of Lichfield and surrounding areas, environmentally, visually and financial would be substantial. More than 200 homes in the Streethay area alone will be blighted and there are plans to build a further 650 new houses.

- 36 The A38 is one of the country's main arterial roads. The proposed traffic measures which will cause disruption for 6 years on this highway are completely unacceptable, not only to the residents of Lichfield, which will become more or less gridlocked, but for thousands of cars and heavy good vehicles which use it on a daily basis.
37. House prices will drop, tourism will suffer, companies will be unwilling to invest, working hours will be lost. All these points should be taken into account when considering the proposed route.
38. Your Petitioners would request the following changes to the Draft Code of Construction Practice.
- (a) Advance notice of works 5.1.2 is unacceptable. There needs to be named personnel with contact numbers for each section of works
 - (b) Core working hours 5.1.2 are unacceptable and should be 0600 to 1700 on weekdays which is considered nationwide as a "normal working week" and 0800 to 1200 on Saturdays.
 - (c) Start up and close down periods are not acceptable and should be reduced as they give the green light for work to be carried out for a twelve hour day.
 - (d) Additional Working Hours 5.2.5, 5.2.6, 5.2.7 and 5.2.8 as proposed are not acceptable and your Petitioners request they be changed as they allow a 24 hour, 7 day week, night time, Saturday afternoon, all day Sunday and Bank Holidays working which gives the contractors the right to work 7 days/week, 24 hours/day for 365 days of the year.
 - (e) Work should be curtailed during the hours of darkness which, in winter would, if you take into account 5.2.4 mean working under lighting for up to 5 hours per day. Information is required from HS2 Ltd on how they will protect those living in the locality from the light pollution, dust and noise, which as proposed, is being allowed to continue on a 24 hour, 7 days per week basis.
 - (f) Your Petitioners expect to see a detailed report on how these suggested hours would affect the stress and anxiety level and the quality of life of all those people living in close proximity to the line and also all those in the surrounding area if these hours are to be incorporated into the Bill.
 - (g) Noise and vibration 13.1. Your Petitioners request an explanation by HS2 Ltd as to how "Best Practicable Means" will be enforced.
39. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

40. There are other clauses and provisions in 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 Petitioners.

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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c



SIGNED

HAZEL E. CLIFFE



SIGNED

D.T. CLIFFE

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PETITION of **Mr David Thomas Cliffe**

&

Mrs Hazel Elizabeth Cliffe

AGAINST, BY COUNSEL, &c.

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