

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013 - 2014

HIGH SPEED RAIL (LONDON TO 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 PETER BRYAN ELLIMAN AND LYNDSEY JILL ELLIMAN

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 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 dis-apply 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.
7. Your Petitioners are Peter Bryan Elliman and Lyndsay Jill Elliman (hereinafter referred to as 'the Petitioner'), *the owners of 47 Attleboro Lane Water Orton Warwickshire* ('the Property').

8. **Compensation**

- 8.1 Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development. Currently any compensation is based on a distance from the completed track; this takes no account of the severity of impact during and after construction which is grossly unfair. We quote from HS2 Volume 2 | Community Forum Area report CFA19 Coleshill Junction and ask in the light of this that the amount of compensation is directly related to the degree of impact:-

"The Construction works to the south of Water Orton will generate a combination of significant noise and visual effects on the occupiers of seven residential properties at Attleboro Lane, which are situated just to the north of the Proposed Scheme. Works in this area will involve the demolition of properties to the south, construction of the Attleboro flyover, the Attleboro Lane realignment and over-bridge, Water Orton cutting and Attleboro Farm embankment and associated earthworks and retaining structures. These works are expected to take about three years to complete and the combination of significant effects during this time will give rise to a major adverse and significant amenity effect of the occupiers of nos. 47-57 (odds) and 55a Attleboro Lane."

So severe is the impact that our house is one of the recognised HS2 viewpoints- "(Viewpoint 313.2.002) View south-west from residences along Attleboro Lane. The construction hoarding, the construction of a balancing pond and the new alignment of Attleboro Lane will be visible in the foreground of the view. The demolition of properties along Attleboro Lane, the formation of embankments, construction of Attleboro Lane over-bridge and Attleboro flyover, including cranes will be visible in the middle ground of the view. As this activity will be within the direct frame of view the magnitude of change is high. The high magnitude of change assessed alongside the high sensitivity of the receptor will result in a major adverse effect."

- 8.2 Your Petitioner lives on a road where other houses are being demolished to construct the Attleboro Flyover, which marks the start of the junction of the Birmingham Spur and the North Chord. HS2 plan no.C223-CSI-CV-DPP-030-000019 rev P11 ( which to the best of the petitioner's knowledge has not been presented at any of the local public consultations in Water Orton, for example at the consultation meeting last June only the old plans were available- indeed the staff acknowledged there was a document missing at the meeting. The local libraries have not been issued with updated plans from HS2 and this does not represent fair public consultation) shows

the following proposed additional works taking place in close proximity and opposite to the Petitioner's property:-

–Construction of the Attleboro Lane over-bridge, and the extensively realigned Attleboro Lane - these works will be visually intrusive and will hem in the Property with construction works taking place on three sides of the Property. Your petitioner requests that the proposed realignment of Attleboro Lane and construction of the proposed over-bridge be abandoned and instead access to the south side of the railway and the amended route of the footpath be provided from Gypsy Lane as proposed in an earlier plan prepared by HS2.

–a pumping station and

–a balancing pond

8.3 Your Petitioner considers that the cumulative effect of these works during construction and beyond will make it impossible to dispose of the Property.

8.4 Your Petitioner requests that the Bill should be amended to ensure your Petitioner who is currently deemed to be outside the safeguarding area and who is injuriously affected and adversely affected by loss of value should be able to require HS2 to acquire the Property.

## 9. Mitigation

### 9.1 Tree and hedgerow removal

Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on fauna and flora. The latest plans suggest the native established large oak trees, in which woodpeckers, a barn owl and kestrel have been seen, in the field opposite our house will be chopped down to position the balancing pond and flyover. These trees will provide the only natural screening for us in that direction and we request that their preservation is guaranteed. Also the plans do not show the wild hedgerow that runs alongside Attleboro Lane bordering the same field where the proposed pond will be. The HS2 volume 2] Community Forum Area report CFA19 Coleshill Junction states the assumption that all hedgerows on construction land will be removed. This hedgerow will reduce enormously the visual impact of the construction works opposite our house and therefore we request very strongly that it is preserved.

### 9.2 Noise

Your petitioner has concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway. Your petitioner is concerned as there appears to be no mechanism in the Bill to deliver a properly noise mitigated railway. The noise contour maps at the Delta junction suggest we will not significantly hear any of the 44 trains an hour, some of which may be 400metres long, despite being less than 200 metres from the 4 lines passing our house at multi-level. Hs2 have taken no account of south westerly prevailing winds and the resultant transmission of noise across houses in Attleboro Lane. We feel this is not representative of the true noise levels we are likely to experience and request that

noise contours are reassessed both for the construction and the operational phases and that just and fair compensation is offered to affected residents.

9.3 Attleboro Lane haulage access

CFA Report – Coleshill Junction/No 19 states that during construction of the North chord Attleboro Lane will be used as the haulage route for 2yrs 4mths. This is a narrow residential road with the village primary school and nursery school fronting the road and the local park opposite. This is a danger to residents and the children attending both establishments and will generate unacceptable amounts of noise, dust, vibration and be visually intrusive for residents. It will be dangerous to all the users of the park of which a high number are children. We request an alternative route is sought to reduce the high risk of a traffic accident involving a child and to help reduce the impact of construction on the residents of Attleboro Lane.

10. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to out representation before the Select Committee.
11. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
12. 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, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted there from.

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

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SIGNED



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PETITION OF *Peter Bryan Elliman and Lyndsay Jill Elliman*

AGAINST, By counsel, &c

*Peter Bryan Elliman and Lyndsay Jill Elliman*

