

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – 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 Edward George David Franklin and Linda Christina Franklin

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 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 (“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 petitioner’s property is located near the proposed route of HS2 at 55A Attleboro lane, Water Orton, Birmingham, B46 1SB.
- 8 Your Petitioners and his and her rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Statement why the petitioner objects to the bill and it’s compensation.
- 9.1.1 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.
- 9.1.2 Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.
- 9.1.3 Your Petitioner requests that the voluntary purchase announced on 9 April 2014 should be extended to all properties outside of the safeguarded area and should not be limited to rural areas.
- 9.1.4 Your Petitioner requests that the home owner cash payments should be extended to all areas within the vicinity of the proposed high speed railway line and the payment should be calculated so that all diminution in value is compensated.

- 9.1.5 Your Petitioner submits that the Bill should be amended to ensure that your Petitioner is entitled to claim compensation where their Property is not compulsorily acquired for, among other matters, structural damage to the property, settlement impacts from noise and dust, impacts on visual amenity, interference with access, interference with supplies of services and for injurious affection caused by the construction and operation of the high speed railway and associated development. Your Petitioner requests a provision to enable such claim to be made separately from any claim for compensation in respect of the acquisition of land or interests under the powers of compulsory acquisition in the Bill.
- 9.1.6 Your Petitioner requires an indemnity from the nominated undertaker that the proposed works will not be of long term or irreversible detriment to the land and interests of your Petitioner. Such indemnity would also remedy any damage, claims, demands, proceedings, costs, damages, expenses and disruption arising from the construction and operation of the high speed railway and associated development.
- 9.1.7 The construction of HS2 surrounds your petitioner's house on three sides and its subsequent supportive construction works are as close our property as the width of Attleboro lane itself. Major work is planned for the excavation of a lake opposite our drive. Houses within the area of Gilson, that are further from the actual line than houses along Attleboro lane, have been blighted or compulsory purchased. We are requesting that our house also falls within that category and should be blighted. For the total time that HS2 takes to build, your petitioners are unable to live a life that would enable them to accommodate their three teenage daughters. For example. Downsizing the size of their property to support their children going through college or retiring to a smaller house.
- 9.1.8 There is also the question of road closures, Mrs Franklin is disabled and cannot walk any distance, so the closure of Attleboro lane will have a direct negative impact on her health. Attleboro lane is a road too narrow for the Department of Transport to paint white lines down the centre. It is also a road that goes between a Primary School and children's nursery and a public park. During school drop off times it is impossible to get a car down the lane let alone construction traffic. There is also the safety consideration to take into account with young children. Attleboro lane is not designed to take large or heavy vehicles and will not support prolonged exposure to construction traffic.
- 9.2 Noise Protection.
- 9.2.1 Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise. Noise would severely impact upon the use and enjoyment of the Property by your Petitioner

- 9.2.2 Your petitioner is concerned that the noise thresholds chosen by HS2 Ltd do not reflect current World Health Organisation standards or the latest research which shows adverse health impacts from prolonged exposure to noise above World Health Organisation limits.
- 9.2.3 Your Petitioner requests that HS2 Ltd be required to ensure that operation of the high speed railway does not exceed 40dB, the threshold identified by the World Health Organisation as appropriate for ensuring no long term health issues for persons living nearby.
- 9.2.4 Your petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the Property and there are no other adverse effects.
- 9.2.5 Your Petitioner requests that there should be binding mitigation measures including effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development.
- 9.2.6 The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled HS2 and the environment thirteenth Report of Session 2013-2014 dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.
- 9.2.7 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 9.2.8 Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.
- 9.2.9 Your petitioner's house is within meters of large scale excavations opposite our property and just south of the property. Demolition of the neighbouring houses to accommodate the track itself and the equipment required to do this will be driven right past your petitioner's house. Noise levels quoted at 70db for one year are not acceptable.

9.3 Noise Barriers.

9.3.1. Your petitioner is concerned by the noise impacts of the high speed railway.

9.3.2 Your petitioner requests that sound barriers to a height of 8m, properly screened by trees, be installed to reduce such noise impacts in Attleboro lane, Water Orton, Birmingham, B46 1SB.

9.4 Noise Protection in Rural Areas.

9.4.1 Your petitioner is concerned about the impact of noise on the village of Water Orton as the trains pass the village. Your Petitioner's Property is in the village and your Petitioner also uses many of the public rights of way in the area to enjoy the peace and tranquillity. Noise from passing trains will directly impact on your petitioner's property and when using the public rights of way.

9.4.2 Your petitioner requests that the alignment of the railway is lowered *south of Attleboro Lane* in order to alleviate noise impact on your Petitioner's Property and the surrounding public rights of way and that sound barriers of at least 9 metres in height are erected.

9.5 Dust

9.5.1 Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on their Property and environmental quality of the neighbourhood.

9.5.2 Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.

9.5.3 Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.

9.5.4 Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.

9.5.5 Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the Guidance on the planning for mineral extraction in plan making and the application process issued 6 March 2014.

9.5.6 Your Petitioner request that there is a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioner's Property and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.

9.5.6 The wind direction in the vicinity of your petitioner's house and of the neighbouring houses on Attleboro lane comes from the South west. This means that every piece of construction for HS2 is up wind of Attleboro lane. dust will be a major factor to your petitioner's as three of the five householders are asthmatic. We request that the construction of HS2 takes this into consideration.

9.6 Air Quality

9.6.1 Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development.

9.6.2 Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.

9.6.3 Your Petitioner requests that the local authority should be provided with funding to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available.

9.6.4 Your petitioners house and neighbouring properties along Attleboro lane, Water Orton will be subject to 110 - 130 cars and vans a month, 90-120 Large goods vehicles and heavy equipment a month for 5.5 years. Air pollution will be affected.

9.7 Visual Impact

9.7.1 Your Petitioner is concerned about adverse impacts on the visual amenity of the Property and the neighbourhood during construction and operation of the high-speed railway and associated development. The Petitioners property will be severely impacted by the residual vista.

9.7.2 Your Petitioner requests that there should be binding mitigation measures to reduce the adverse impacts on visual amenity including but not limited to screening of the construction and operation of the high speed railway and associated development, use of deep cuttings, and ensuring new buildings blend in with the surroundings.

9.7.3 Your Petitioner requests that before construction the relevant local authority should be consulted on the design of structures and buildings and their views taken into account in designing such structures.

9.7.4 The Lake that is proposed opposite your petitioner's house does not have any form of visual buffer. Replacing the current hedge that exists along Attleboro lane with a metal fence is unacceptable and construction of a visual barrier that is sympathetic to the rural area should be constructed. By this we mean a hedge.

9.8 Security Fencing.

9.8.1 Your Petitioner is concerned that security fencing will adversely impact on the visual amenity of their Property and the surrounding landscape.

9.8.2 Your Petitioner requests that in rural settings security fences should be coloured olive or yellow green, urban chocolate brown or terracotta. The colour of the security fencing should be approved by the relevant local authority and the nominated undertaker should be under a binding obligation to keep it in good repair.

9.9 Green Tunnels

9.9.1 Your Petitioner is concerned that the proposed Attelboro Cutting to the west of Water Orton does not mitigate the noise and visual impact on your Petitioner's Property.

9.9.2 Your Petitioner requests that a green tunnel should be constructed between *Attleboro lane and Birmingham road, Water Orton, Birmingham* to reduce the potential noise and visual impacts.

9.10 Structural design of viaduct.

9.10.1 Your petitioner is concerned about the design of Cattle Hill box structure which is detailed in drawing C223-CSI-CV-DPP-030-000021. This structure will be clearly visible from a road used daily by petitioner and it will not fit in with the surrounding environment. This will have a significant negative impact on the landscape, and ruin the aesthetics of the local environment.

In order to minimise the impact of the proposal, your petitioner requests that prior to construction, your petitioner and other local residents should be consulted meaningfully on the detailed drawings and plans for Cattle Hill box structure. It must be designed to fit in with the surrounding environment, and be maintained to a high standard. Visual screening must be put in place, and this must also be maintained to a high standard.

9.11 Hydrology

9.11.1 Your Petitioner is concerned about the danger of water pollution arising from

the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport links.

- 9.11.2 Your Petitioner requests that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against an environmental water quality level. In the event water quality deteriorates during construction, the local authority should have the powers to suspend construction activity until this matter is resolved.
- 9.11.3 Your Petitioner requests that to mitigate the danger of water pollution arising from construction a detailed management plan for each Community Forum Area should be provided by the nominated undertaker and agreed with the Environment Agency. The water management plan should include details on how water that is required on site will be stored before and after its use, and the strategy for its removal to licensed disposal sites. The relevant local authority should be responsible for ensuring compliance with and enforcing the water management plan.
- 9.11.4 The area of Attleboro lane floods and a number of houses are susceptible to annual flooding on their premises. This includes your petitioner's house that annually has a flooded garden to the rear of the house. The water table is so close to the surface that the water comes up from below to the depth of circa 3 inches above ground level. Any HS2 construction work in the area must not make this worse.

9.12 Disused land

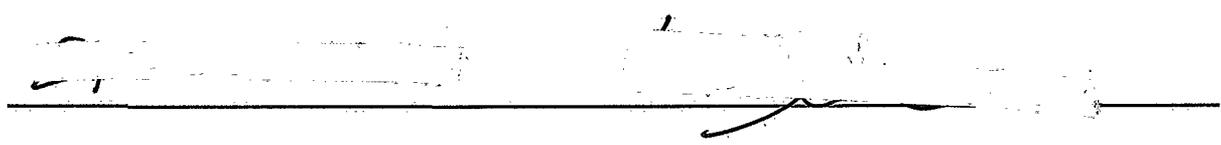
- 9.12.1 Your Petitioner is concerned that according to the maps and environmental statement, there are many small parcels of land, the responsibility for which is left undefined. These parcels of land may become derelict or designated brown field sites. Your Petitioner is also concerned that these areas of land could give rise to disorganised development and/or ribbon development because the Bill overrides local planning control.

Your Petitioner requests that any land that is not utilised in the construction and operation of the high speed railway line and associated development should be transferred to the relevant local authority as soon as possible, together with details for landscaping and funding for the landscaping.

- 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.

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 Petitioners 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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