

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PETITION**

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 Mrs Elaine Foulkes

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioner is Mrs Elaine Foulkes who resides with her husband at 'Horseshoes' a bungalow at Crowberry Lane, Middleton, Nr Tamworth, Staffs B78 2AJ. Your Petitioner also owns a field of 3.85 acres (which includes a ménage (riding arena) and stables) on the opposite (eastern side) side of Crowberry Lane on the corner with Church Lane, Middleton. Your Petitioner has lived at this present address for approximately 28 years when she and her husband built the bungalow on part of the land from the house next door which they had previously owned and lived in for approximately 5 years. The stables were constructed at the same time as the bungalow at an approximate cost of £10,000. The ménage was constructed about ten years ago at a cost of £22,000.
8. These facilities have been used by Your Petitioner's daughters in the past and, although they are now living abroad, the eldest had hoped that when she returned to the UK, she would own horses again and utilise the stables. The stables and ménage are presently in constant use by friends and the remainder of the field is used for grazing for horses.

9. Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner object for reasons amongst others, hereinafter appearing.
10. Your Petitioner's field, ménage and stables lie approximately 150 metres from the track of the proposed railway, close to the proposed Church Lane Overbridge. Your Petitioner's bungalow lies approximately 250 metres from the track of the proposed railway. Part of the railway near to the property is proposed to run on embankment and viaduct, thus levels of noise and visual intrusion would be particularly severe.
11. The proposed Church Lane Overbridge Satellite Construction Compound lies approximately 50 metres from Your Petitioner's field boundary, 125metres from the stables and 175 metres from the bungalow. Part of your Petitioners land (presently used for grazing horses) is required to construct the access road to this construction compound. Your Petitioner considers that the noise, mud, dust and disruption, close proximity of heavy goods vehicles and loss of grazing land caused by the construction and operation of the proposed railway and Church Lane Overbridge will be such as to cause severe disturbance to the exercise, grazing and enjoyment horses stabled on the land and would effectively prevent the use of Your Petitioner's field, ménage and stables for these purposes.
12. In addition to the above works Your Petitioner's property lies within approximately 350 metres of the proposed realigned A4091 trunk road which at this point is proposed to be elevated above the proposed railway at the A4091 Tamworth Road Overbridge. This proposal will add further to the noise and disturbance suffered by Your Petitioner and will also be highly prejudicial to her continued operation and enjoyment of her longstanding equestrian facility and bungalow.
13. The section of the proposed railway between Langley Brook Viaduct and Church Lane Overbridge lies in close proximity to Your Petitioner's properties which in addition to visual intrusion would clearly generate very high levels of noise and vibration. The Environmental Statement (ES)(Map SV-01-058) shows daytime noise levels in excess of 50-55db for the operation of the railway alone. The proposed construction compound has an estimated duration of use of four and a half years and, at its peak, is expected to generate between 55 and 70 HGV vehicle movements per day (ES Vol5 Transport Assessment TR-001-000 Table 7-263).
14. Horses are particularly sensitive to noise, and the close proximity of the proposed railway and of heavy construction machinery would severely jeopardise the continued safe use of these facilities, which Your Petitioner considers would have to

be discontinued if the proposals contained in the Bill remain unaltered. Additionally, once the railway is operational, sudden train noise and vibration would cause prolonged disturbance to horses.

15. Your Petitioner has recently been diagnosed with a dust allergy, and considers that this will be significantly aggravated by the increased dust and air pollution caused by the proposed construction works and the close proximity of the proposed Church Lane Satellite Construction Compound and related access road.
16. Your Petitioner has spent a large part of her life building up these facilities and most of her time is dedicated to the care, exercise and training of the horses, an activity which is central to her life and future plans. The proposals in their present form would therefore cause her huge personal hardship.
17. Additionally your Petitioner has occupied her bungalow which is located in a quiet rural setting for approximately 28 years. The proposals contained in the Bill will result in very considerable disturbance from noise and vibration and the visual intrusion of railway viaducts and embankments and highly visible overhead wires, thus spoiling the outlook from the property and causing considerable loss in property value.
18. Despite the very considerable detriment suffered by Your Petitioner, present arrangements do not provide her with any entitlement to compensation (or to require HS2Ltd to purchase my property) as the property is located more than 120 metres from the proposed line of the track.
19. Your Petitioner requests:

(i) That the Bill be amended to move the horizontal alignment of the proposed railway (and associated Church Lane and A4091 Overbridges) approximately 60 metres further to the east (this follows the proposal put forward by the Middleton HS2 Action Group in 2011 and recently rejected by HS2Ltd, apparently on engineering cost grounds alone). Together with improved mitigation measures (see request below), this would have the effect of significantly reducing the adverse impact on Your Petitioner's bungalow and equestrian facilities.

(ii) That the Bill be amended to move the site of the proposed Church Lane Overbridge Satellite Construction Compound to the east side of the proposed railway, and that, if necessary, the balancing pond presently proposed in that location be moved further eastwards and/or combined with the existing nearby pond. This would have the effect of reducing the impact of the construction

operations and associated heavy good vehicle movements on Your Petitioner's land and property and equestrian activities.

(iii) The proposal in the Bill to mitigate the noise impact of the proposed Langley Brook Viaduct by a 3 metre high wall is inadequate. Your Petitioner requests that the viaduct and be replaced by an embankment and culverts with semi-mature coniferous tree planting as a visual screen together with a soundproofing barrier at least 6 metres high . Additionally she requests that an effective screening/soundproofing barrier be provided at least 6 metres high alongside those sections of the track which are at, or elevated above, existing ground level.

(iv) In terms of the proposed A4091 Overbridge, no provision is presently made for mitigating the effects of the additional traffic noise and visual intrusion that this will give rise to. Your Petitioner firstly request that the alignment of the railway be moved eastward as set out in paragraphs 10 to 13 above. Additionally (and if this is not acceded to) Your Petitioner requests that appropriate sound barriers be installed on the proposed road diversion in order to screen traffic and reduce noise levels. Further, Your Petitioners requests that earth embankments be provided on both sides of the road/rail bridge together with semi-mature coniferous planting thereon.

(v) If any or all of the above amendments to the Bill are not acceded to, Your Petitioner requests that it be amended to require that she be provided with financial compensation at a level sufficient to enable her (should she so choose) to purchase an equivalent equestrian facility with a similar sized property close by, elsewhere in the locality.

(vi) Your Petitioner considers it essential that the above requests are acceded to and fully complied with before construction of the proposed railway in Middleton Parish begins, as, without these mitigations, she considers that, at that stage, the continued use of these equestrian facilities will not be possible.

20. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.

21. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and her rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays 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.

Signed MRS ELAINE FOULKES



