

**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 MS M A WAHLBERG

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 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 Ms Madeleine Wahlberg, Lowfield, Long Itchington Rd, Offchurch, Leamington Spa, Warwickshire, CV33 9AY.

This petition is supported by Prof Mike Geddes, my husband and resident at the same property.

I have lived at Lowfield since 1990. The property is approximately 1 acre which has been maintained on a fully organic basis and it contributes positively to the local environment (fauna and flora). The proposed HS2 works on and close to your petitioner's property will impact on about one-third of this area and would potentially remove a substantial wild meadow; mature beech hedge (over 180 tree-stems); most of the trees on the property (approximately 38) including all the orchard trees, oaks, nut trees etc; and a range of ornamental bushes and other plants. It would also destroy the habitat for a local colony of great crested newts. In addition it would destroy a copse on the other side of Long Itchington Road of about 6 mature oaks and 6 mature ash. The impact on the property, in both environmental and amenity terms, is therefore substantial.

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

### **Introduction**

9. Your petitioner's specific concerns are:

- a) The process followed by HS2 Ltd
- b) Realignment of the junction between Welsh Road and Long Itchington Road
- c) Realignment of the access drive serving Lowfield, Field View and Cedar Colt
- d) Noise mitigation where the proposed track crosses the Offchurch Greenway
- e) The impact of the construction facility and workers compound between Offchurch Greenway, the Fosse Way and Long Itchington Road.

## The process followed by HS2 Ltd

10. In addition to the substantive impacts on Lowfield which are discussed below, I wish to draw attention to the failure of HS2 Ltd to follow acceptable process in presenting the schemes that will directly impact on my property [Works Nos 2153E and 2153F].
11. Works Nos 2153E and 2153F proposed in the Bill were only made public at the time of publication of the Bill and Environmental Statement in late November 2013, allowing no possibility to discuss them at community level during meetings of the local Community Forum or at Bilateral meetings with the Promoter, before their final form in the Bill and Environmental Statement.
12. Nor were any steps taken by HS2 Ltd to discuss these proposals directly with me prior to their publication.
13. In addition, Work No 2153F at Lowfield directly affects the properties Field View and Cedar Colt, who have access rights and repair responsibilities for the drive. The owners of these properties were not notified of the proposals.
14. Although your petitioner signed an Access Licence 15th May 2013 to allow HS2 Ltd or its agents to survey Lowfield no survey work was undertaken before these proposals were published.
15. The processes followed by the Promoter were therefore neither fair nor transparent.
16. HS2 Ltd has therefore effectively denied your petitioner or other interested parties the normal opportunities during the consultation process to seek alteration or mitigation of proposed works.
17. There is no evidence that a proper assessment of the environmental impact of the proposals was made, or that alternatives were considered and evaluated in terms of their environmental impact. This is particularly important in view of the colony of great crested newts that were confirmed in Lowfield by a survey conducted on behalf of HS2 Ltd on 23rd April 2014. The great crested newt is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended) making it a European Protected Species.
18. HS2 Ltd has not followed the procedures required of it in terms of environmental directives and conventions in relation to public participation in schemes that have an

environmental impact.

19. The recent meeting with HS2's Petition Management team (10th April 2014) made it clear that they were not prepared to consider changes to the existing proposal. The issues of concern to your petitioner were regarded as matters of detail to be considered after the passage of the Bill but by then existing proposals will be statutory and no weight can be attached to their assurances that due consideration of the negative impacts of their proposals on my property would be considered at that stage.
20. Your petitioner is therefore seeking an undertaking that HS2 Ltd:
  - a) should not proceed with the proposals discussed below until they have considered the full environmental impact of these proposals on Lowfield and nearby properties and made this evidence publicly available;
  - b) should publicly show the evaluation of alternative schemes that would avoid this environmental impact;
  - c) and should publicly justify why the road re-alignment (which impacts on the re-alignment of the Lowfield driveway) is needed given that the local road authority do not wish to see this section of road re-designed so as to speed traffic.

#### **Realignment of the junction between Welsh Road and Long Itchington Road**

21. The realignment of this junction is a consequence of the decision to close Long Itchington Road and re-route traffic along the Fosse Way and Welsh Road. Your petitioner supports the petitions by Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council and Offchurch HS2 Action Group to construct a Green Tunnel over the track in an area between the Hunningham Road and the Welsh Road. This could mean that the closure of Long Itchington Road is not necessary and therefore the realignment of the Welsh Road/Long Itchington Road junction is not necessary.
22. However, if the closure of Long Itchington Road does go ahead, the proposed realignment of the Welsh Road/Long Itchington Road junction has major deficiencies.
23. The proposal would create a single, speeded-up traffic through-route in the direction from Radford Semele to Southam (or vice-versa). This would alter the existing priorities at that junction and there is no evidence that HS2Ltd have used any traffic data to support this. This road is currently 50mph and there is no desire or need to improve it so that traffic can go any faster than 50mph. HS2 Ltd may argue that as it is re-building that road, it should do so 'to modern standards'. But a faster road and the proposed bend in the new through road would be of danger to the very significant numbers of pedestrians and cyclists crossing between the two parts of Offchurch Greenway at this junction. Moreover an informal local traffic survey showed that the majority of

northbound traffic would turn right at this junction (not proceeding straight along the new through route) and so the proposal would lead to a tailback of traffic on a curve.

24. The proposed realignment will unnecessarily destroy a copse of about 12 mature trees at the junction of Long Itchington Road (travelling east) and Welsh Road (travelling south).
25. The proposed realignment is claimed by HS2 Ltd to also require the realignment of the access drive to Lowfield, Field View and Cedar Colt. The detrimental environmental and other issues with this are detailed below. However, by not realigning the Welsh Road, the new access drive would not be needed and this is an additional cost that HS2 Ltd could save.
26. Your petitioner therefore submits that all these problems concerning the access track itself and the wider road realignment are unnecessary. It should be possible to design the road junction by adhering more closely to the current alignment of the Welsh Road (while still improving it). This might, but need not, re-establish the Welsh Road as the priority route. This would:
  - a) Enable the free flow of traffic while slowing it down and in particular permitting a safer pedestrian and cycle crossing between the two parts of the Offchurch Greenway.
  - b) Avoid the need to realign the Lowfield, Field View and Cedar Colt access drive by retaining its existing junction with the closed-off Long Itchington Road.
  - c) Avoid the destruction of a copse of mature trees and the potential destruction of a substantial part of Lowfield including a mature beech hedge (over 180 tree-stems) and many of the trees on the property (approximately 38). It would also prevent the destruction of habitat for the great crested newt colony.
  - d) Save substantial costs related to constructing the road realignment and the access drive, and costs of mitigation and compensation to all the property owners impacted by the proposal and the costs of obtaining a licence to destroy and compensate for the loss of great crested newt and reptile habitat.
27. In the recent meeting with HS2 Ltd 10th April 2014, your petitioner asked if alternatives to the current realignment had been considered and to be allowed to see them. HS2 Ltd representatives stated that road engineering alternatives had been considered but they could not be made available. This suggests that in fact alternatives were not seriously considered in either environmental terms or cost terms.
28. Your petitioner is seeking an amendment to the Bill to either:
  - a) Create the green tunnel proposed in an area between the Hunningham Road and the Welsh Road and thereby not close Long Itchington Roadand/or

- b) Change the proposed realignment of the Welsh Road/Long Itchington Road junction to adhere more closely to the existing alignment of the Welsh Road.
- c) Not proceed with the re-alignment of the access drive to Lowfield and other properties.

#### **Access drive to Lowfield, Field View and Cedar Colt**

- 29. No rationale is given in the Environmental Statement to justify the realignment of the access drive, but informally your petitioner understands that it is intended to ensure that the drive does not exit directly on to the realigned road junction.
- 30. The access track is currently straight. This allows large HGVs (eg fuel delivery lorries) to drive up the track and reverse out (or vice-versa). The dog-leg realignment proposed would seriously compromise this crucial access for the three properties.
- 31. The proposed realignment would more or less cut the Lowfield garden in half with a serious loss of amenity.
- 32. It should also be noted that whilst the land area indicated as potentially necessary to undertake the work is excessive in some respects, at the same time it does not extend sufficiently to allow the proposer, in making good as part of the works, to remove part of the existing drive which would be redundant but left in place. This error, along with the fact that this proposal was only made public in November 2013, and the failure to notify the owners of Field View and Cedar Colt of this proposal, may be indicative that this is a flawed proposal developed in haste without due consideration.
- 33. Your petitioner seeks an undertaking that:
  - 1. The desirability of not realigning the access drive is recognised as a material factor in changing the alignment of the Welsh Road/Long Itchington Road crossing, as discussed above, including the resultant cost saving.
  - 2. If the access drive is realigned:
    - a) The realignment is designed in such a way as not to compromise HGV access to the three properties;
    - b) At the same time, the realignment is designed in such a way as to prioritise the amenity and interests of the owners of Lowfield including re-establishing their privacy from the drive with a wall as existing; and similarly with a wall or mature beech hedge stems to replace the lost beech hedge, by agreement with the owners;
    - c) The works be undertaken in such a way as to minimise the damage to the garden of Lowfield;
    - d) After the construction the land remaining is re-instated with certified organic top soil and re-planted with whatever vegetation can be re-instated as agreed with the

owners;

e) Any environmental loss is clearly identified and as far as possible prevented (eg badger run); mitigated during construction; and replaced on site or locally eg on the Greenway, as agreed with the owners. Remote bio-diversity offsetting will not satisfy the replacement of the lost ecology at Lowfield;

f) The works are carried out under agreement rather than HS2 Ltd acquire the land.

### **The main construction compound and workers compound between Offchurch Greenway, the Fosse Way and Long Itchington Road**

34. This proposal is for a large materials handling and stockpile area immediately north of the proposed track, between Offchurch Greenway and the Fosse Way. The purpose of this will be for the transfer and stockpiling of both construction and excavated materials brought by road; the treatment of excavated material (eg stone grinding); facilities for some construction such as “vent shafts or bridge piers”; facilities for 115 workers at peak but supporting up to 260 personnel; and worker accommodation for around 23 workers. Despite information provided in the Environmental Statement, it is very difficult to judge how much traffic, including large HGVs, will be generated and how much construction and material sorting and grinding will be involved as it is clear that it is the intention that this compound will service more than the local area.

35. There are houses facing directly on to this site from less than 200m away and approximately 12 houses within 500m. The impact on local residents will clearly be substantial. The main issues are likely to include noise (eg from stone grinding and sorting, construction, general traffic and reversing HGVs), dust, night light, traffic and security.

36. The time span for this nuisance is very extensive on three measures.

Firstly the hours of work. There is no commitment in the Environmental Statement that such work would be restricted to the working day. References are made to “standard hours”, “anticipated hours”, “core hours” “start up and close down hours”, “additional hours”. The possibility of night time working in this compound, beyond 7a.m – 7 p.m., is therefore very probable. This is likely to be extremely stressful, verging on intolerable for all those living nearby. It will have a major impact on amenity as well as health. Even just day time working could be intolerable not just from an amenity point of view but for night workers – the nearby houses contain 3 nurses who have periodically worked night shifts and have needed to sleep during the day.

Secondly the days of the week. The hours given as “Core” include Saturday working up to 2 p.m. including shut down. However, as with the above, all of this can be extended

to 7 days a week if the sub-contractor feels there is a need. There is no assurance that at least one day a week will be quiet.

Thirdly, the number of years. During the initial Community Forum meetings, HS2 Ltd senior staff advised that the overall construction period within your petitioner's locality would be 18 months to 2 years. This has been extended to a construction period of 5 years with no indication as to whether this includes the removal of all construction compounds and returning the affected areas to their rural condition. Additionally the proposal is that this materials handling area would remain operational beyond the construction of the local works and potentially for the full period of construction of HS2 Phase 1. Even 2 years would be a serious period of time to cope with the impact of the nuisance from this compound but over 5 years and even beyond if there are construction delays, will be intolerable.

37. The information provided about how the nuisance from this compound will be mitigated, visually or in terms of substantial noise, is inadequate.
38. In particular there is no clarity on how the levels of nuisance will be measured and what would be fair given the substantial impact such a compound will have on nearby properties. If the noise from each individual source is separately averaged over 1 week, then this will give no reflection at all of the actual impact of noise on residents. Nor is there any clarity on how the effective monitoring of the impact will be independently undertaken.
39. The provisions in HS2 Ltd's documentation for dealing with problems related to the compounds refer to a weak 'one-way' process of engagement controlled by the proposer/contractors. What is needed is a mechanism to independently monitor the situation and to stop the nuisance immediately.
40. Your petitioner therefore seeks undertakings that:
  - a) Consideration must be given to an alternative, less disruptive location for this facility.
  - b) If it is not moved, its working hours should be restricted to the Core hours as given (8am – 6pm) even if this does have some impact on the economy of construction. The working week should exclude Sunday.
  - c) Substantial perimeter noise barriers, including acoustic isolation and operational controls, must be put in place in line with WHO guidance, so that nearby houses can open a window or use their gardens and not experience nuisance levels of noise impact.
  - d) Night time lighting must be low (in height and luminosity) and shielded from nearby houses.
  - e) Transfers of materials in and out of the site must be restricted to the core hours so that loading and lorry noise are not experienced at night.

- f) Given the extended period of time for the operation of this compound it is not realistic to suggest (as the documentation does) that anyone affected would be put up in a hotel, but if the use of hotel accommodation is occasionally necessary, this should be fully funded by HS2 Ltd including travel costs; the hotel location must be agreed with the resident; provision must be made for care facilities if needed; payment should be made direct by HS2 Ltd and not involve the resident; provision must be made for animal care; and full-time security cover must be provided for the houses that are left vacant.
- g) If the closure of Long Itchington Road proceeds, it should happen before the construction of the materials and worker compounds, and no access or parking facilities should be allowed along the Long Itchington Road. This is in line with the statement in the Environmental Statement that “the compound will be accessed directly off the Fosse Way”. Provision must be made within the site for parking for all 115 workers so that this does not extend onto the Long Itchington Road. (There is no public transport here).
- h) Continuous dust and noise monitoring mechanisms should be put in place by the contractor, which should be open to regular and unannounced inspection by Warwickshire County Council staff and independent qualified advisors chosen by the residents who are impacted by the nuisance.
- j) A joint working group should be set up between the contractor, Warwickshire County Council and local residents that could immediately and authoritatively respond to local problems, including with stop-work powers, for the whole construction period. This should cover all issues that might arise from the construction and accommodation compound.

#### **Noise mitigation where the proposed route crosses Offchurch Greenway**

41. Offchurch Greenway is a long distance footpath and cycle route. At this point it is in a ‘U’ shaped cutting and the HS2 line is perpendicular to it.
42. The mitigation measures currently proposed at this point on the Greenway are earthworks and landscape planting (Environmental Statement CFA 17 Map Book, Environmental Statement 3.2.2.17, Map CT-06-089). This mitigation still however permits significant noise nuisance, as the ‘U’ shape is not filled and it will amplify noise along Greenway towards houses. This would be avoided by the proposals for a green tunnel and lowering the track, made by the communities of Offchurch, Cubbington and Weston under Wetherley in their responses to the Environmental Statement consultation. Your petitioner strongly supports these proposals.
43. If these community mitigation proposals are not adopted, your petitioner seeks an undertaking to supplement the currently-proposed mitigation measures to prevent noise travelling along the Offchurch Greenway in both directions. This could be

achieved by additional secondary earthworks to block the 'U'-shaped gap which the Greenway creates in the currently-proposed profile. The green footbridge should be built on top of the earthworks.

44. There are no clear cost implications of doing this. The earth needed for such works will in any case be extracted from the HS2 cutting at this point. In fact, using it to increase the height of the earthworks to block the 'U' shape would save the additional costs of transporting the soil elsewhere. Additionally the proposal is for a green bridge to cross HS2 at this point and the soil could be used to make this more effective by being wider and more gently sloped.
45. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, it should not be allowed to pass into law.
46. 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

Madeleine Wahlberg

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