

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 PROF M N GEDDES, MR F AND MRS J DANIELL, MR D AND MRS D MUNDY, MR A AND MRS S CLIGG, AND MRS J WARDLE

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 petitioners are long-term residents in a group of properties in Offchurch, Warwickshire, close to the proposed route of HS2:  
Prof M N Geddes, Lowfield, Long Itchington Rd, Offchurch, Leamington Spa CV33 9AY  
Mr F and Mrs J Daniell, Field View, Long Itchington Rd, Offchurch, Leamington Spa CV33 9AY  
Mr D and Mrs D Mundy, Cedar Colt, Long Itchington Rd, Offchurch, Leamington Spa CV33 9AY  
Mr A and Mrs S Cligg, Orchard Mount, Long Itchington Rd, Offchurch, Leamington Spa CV33 9AY  
Mrs J Wardle, Lansdowne House, Long Itchington Rd, Offchurch, Leamington Spa CV33 9AY  
Taken together, works on the track itself and on associated aspects of the proposal - closure of Long Itchington Road and realignment of the junction with Welsh Road, effectively surround our properties and impact on them from all sides.
8. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner(s) object for reasons amongst others, hereinafter appearing.

## Introduction

9. Our specific concerns are:
  - Noise mitigation where the proposed track crosses the Offchurch Greenway
  - The impact of the construction facility and workers compound between Offchurch Greenway, the Fosse Way and long Itchington Road
  - Realignment of the junction between Welsh Road and Long Itchington Road
  - Realignment of the access drive serving Lowfield, Field View and Cedar Colt
10. Your petitioners point out that certain works proposed in the Bill (for the realignment of the Long Itchington Road/Welsh Road junction and of the access drive to Lowfield, Field View and Cedar Colt) 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 meetings of the local Community Forum. No steps were taken by HS2 Ltd to discuss these proposals with your petitioners prior to their publication. In addition, the works at Lowfield which directly affect the properties Field View and Cedar Colt were not notified to the owners of the latter properties.
11. HS2 Ltd has therefore effectively denied your petitioners the normal opportunities to seek alteration or mitigation of proposed works which have been a key part of the consultation process.

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

12. The proposal is for a large materials handling area immediately north of the proposed track between Offchurch Greenway and the Fosse Way. There are houses facing directly on to this site from only 200m away.
13. We understand that this site would include the activities involved in grinding and grading soil material, and the transfer of materials by lorry on and off the site, with the attendant noise and night time lighting.
14. There is no commitment in the Environmental Statement that such work would be restricted to the working day. 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. However the documents include the potential for night working. This would be intolerable to all those living nearby, even with all windows closed all of the year.
15. During the initial Community Forum meetings, HS2 Ltd senior staff advised that the overall construction period within our locality would be 18 months to 2 years. We are now faced with a construction period of 5 years with no indication in figure 5 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 nearby works and potentially for the full period of construction of HS2 (5-8 years?). Even 2 years would be an intolerable period of time to cope with the impact of this.

16. The information provided about how this nuisance will be mitigated, visually or in terms of substantial noise is inadequate.

17. Your petitioners seek undertakings that:

- Consideration must be given to alternative, less disruptive locations for this facility.
- If it is not moved, its working hours should be restricted to the working day.
- Noise barriers and operational controls must be put in place so that nearby houses can open a window and not experience nuisance levels of noise.
- Night time lighting must be low (in height and luminosity) and shielded from nearby houses.
- Transfers of materials in and out of the site must be restricted to the working day so that loading and lorry noise are not experienced at night.
- It is not realistic to suggest that anyone affected would be put up in a hotel over an extended period of time, 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 from 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.
- The closure of Long Itchington Road should happen before the construction of these 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 ES (Vol 2, Area Report CFA 17, para 2.3.23) that "the compound will be accessed directly off the Fosse Way". Provision must be made within the site for parking for the workers
- A joint working group should be set up with Warwickshire County Council (not just with local residents) that could immediately and authoritatively respond to local problems, including with stop-work powers, for the whole construction period. This would cover all issues that might arise with construction and accommodation compounds.

18. Additionally, your petitioners are concerned that the works to construct and operate the railway, including work undertaken in the materials handling area, will cause vibration. This is a specific problem in this area because of problems of slippage, requiring underpinning, associated with the old railway cutting (now Offchurch greenway) which runs alongside our properties.

19. Your petitioners request that the nominated undertaker of the works should be compelled to use the best available techniques in the construction and operation of the railway to ensure that no vibration can be felt in our properties and there are no adverse effects.

20. Your petitioners request that there should be binding monitoring measures in place before commencement and during construction and operation to ensure compliance with the above.

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

21. The mitigation measures currently proposed at this point are earthworks and landscape planting (ES, CFA 17 Map Book, ES 3.2.2.17, Map CT-06-089). This mitigation still however permits significant noise nuisance, especially to properties close by to the west of the track (Map SV-05-045). 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. We strongly support these proposals.
22. If these community mitigation proposals are not adopted, your petitioners seek an undertaking to supplement the currently-proposed mitigation measures to prevent noise travelling along the Offchurch Greenway. This could be achieved by additional secondary earthworks to block the 'U'-shaped gap which the Greenway creates in the currently-proposed profile.

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

23. 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 petitioners support 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 would mean that the realignment of the Welsh Road/Long Itchington Road junction is not necessary and Long Itchington Road remains open.
24. The proposed realignment of the Welsh Road/Long Itchington Road junction has major deficiencies:
  - Along with the closure of Long Itchington Road, it would create a single, speeded-up traffic through-route from Radford Semele to Southam (or vice-versa). This will be of danger to the very significant numbers of pedestrians and cyclists crossing between the two parts of Offchurch Greenway.
  - The proposed realignment will destroy a copse of mature trees at the junction of Long Itchington Road (travelling east) and Welsh Road (travelling south).
  - The proposed realignment is claimed by HS2 Ltd to require the realignment of the access drive to Lowfield, Field View and Cedar Colt
25. Your petitioners argue that all these problems (both concerning the access track itself and the wider road realignment) seem unnecessary. In our view it should be possible to realign the road junction by adhering to the current alignment of the Welsh Road (while still upgrading it) This might involve making the Welsh Road the priority route. This would:
  - 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.
  - Avoid the need to realign the access drive by retaining its present junction with the closed-off Long Itchington Road.
  - Avoid the destruction of the copse of mature trees.

- Save costs, both related to the road realignment and the access drive

26. In a recent meeting with HS2 Ltd, your petitioners asked if alternatives to the current realignment had been considered and to be allowed to see them. HS2 Ltd representatives stated that alternatives had been considered but they could not be made available to us. This leads us to suspect that in fact alternatives were not seriously considered.

27. Your petitioners seek an amendment to the Bill to either :

- Create the green tunnel proposed in an area between the Hunningham Road and the Welsh Road  
or
- Change the proposed realignment of the Welsh Road/Long Itchington Road junction to retain the existing alignment of the Welsh Road while upgrading it to cope with the additional traffic created by the closure of Long Itchington Road.

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

28. No rationale is given in the ES to justify the realignment of the access drive, but we are informed that it is intended to ensure that the drive does not exit directly on to the realigned road junction.

29. 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. Moreover the proposed realignment would more or less cut the Lowfield garden in half with a serious loss of amenity.

30. It should also be noted that the land area indicated as potentially necessary to undertake the work is excessive in some respects but at the same time does not allow the proposers, in making good as part of the works, to remove that part of the existing drive which would be redundant. 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.

31. Your petitioners seek an undertaking that:

- a) 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.
- b) If the access drive is realigned:
  - The realignment is designed in such a way as not to compromise HGV access to the three properties
  - At the same time, the realignment is designed in such a way as to prioritise the amenity and interests of the owners of Lowfield
  - The works are carried out under agreement rather than HS2 Ltd acquire the land
  - The works be undertaken in such a way as to minimise the damage to the garden of Lowfield

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

33 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed

*[Handwritten signatures and scribbles on lined paper]*

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Contact details:

[Redacted contact details]