

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against the Bill – on Merits – 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

(1) **JOY FIELDING** and

(2) **BARRY STONEY**

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, Mr Chancellor of the Exchequer, and 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 transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise.

4. Clauses 37 to 42 of the Bill establish a regulatory regime for the railway transport system.
5. Clauses 43 to 65 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 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 Joy Fielding the owner of land and properties known as Woodend Common Barn Farm and Woodend Long Barn, Riley Hill, Lichfield which is a farm in the county of Staffordshire and Barry Stoney (hereinafter referred to as your Petitioners). Your Petitioners' land is listed on the Book of Reference that accompanies the Bill as plot no 18 in the parish of Kings Bromley.
8. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners, to which they object, and in accordance with the standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers.
10. Your first Petitioners family and their predecessors have been farming this land for over 100 years.
11. Your Petitioners have been living with uncertainty, and the stress caused, for over 4 years when the route of the line was moved onto your Petitioners land without knowledge or consultation.

- 12 The position of the proposed Manchester junction at Fradley and, by default, the 'spur' has moved on several occasions – the latest one bringing it 200 metres nearer the farm house and taking more land. This realignment was made after the public consultation closed at the end of January 2013 allowing your Petitioners no opportunity to formally record disagreement or propose alternatives.
- 13 Your Petitioners are in the unfortunate position of being affected even more injuriously by Phase 2 – losing a beautiful lake, old woodland and further take of a field already the subject of Phase 1 compulsory purchase. Further cutting through the middle of a 13.57 ha field and a 13.85 ha acre field of grade 2 farmland.
- 14 The proposed Manchester 'spur' will be approximately 400 metres from the farm boundary. This close proximity of the 'spur' predetermines the route Phase 2 will take. Your petitioners have recorded their thoughts and comments regarding this in the draft ES, the ES and the Phase 2 Consultation.
- 15 HS2 Ltd announced in February 2013 that they intend to use the private farm drive for access. There was no mention of this on the maps presented by HS2 Ltd at the public consultation on Phase 1 which closed on 21st January 2013 – only 1 month earlier.
- 16 It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners and in accordance with the standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers.
- 17 Objection is taken to the works proposed to be undertaken and to compulsorily purchase an area of 7.3 ha of your Petitioners land comprising Grade 2 agricultural land known as the Bridge Field and Meadows. Only 0.2 ha of that land is proposed to be restored, the rest to be 'landscape mitigation planting' (scrub/ woodland). Your Petitioners believe this to be excessive and should be reduced.
- 18 Your Petitioners have had discussion with HS2 and formally requested that the area of land take is minimised and we petition for this.

- 19 In the areas East of the embankment outside of the main security fence, scheduled for landscape mitigation, your Petitioners seek temporary rather than permanent acquisition on the basis that the mitigation planting area, post construction, reverts to the Petitioners once the trees are established.
- 20 Your Petitioners request that mitigation planting is solely of trees, (not scrub) and be of suitable provenance to avoid importation of disease from abroad.
- 21 There is a small area of 'no man's land' owned by your Petitioners, adjacent to the Trent and Mersey Canal and the satellite compound, which is not to be acquired or used under the Bill. This is not acceptable and should be included in any compulsory/temporary land take.
- 22 Your Petitioners have requested vehicular/tractor/trailer access in the area where the proposed viaduct over Pyford bridge is located at works nos. 3/93 and 3/94 to access the severed area of the farm. HS2 personnel verbally agreed that there was enough room for a track either side and that trees could be planted in such a way as to leave room for a track to allow access. Your Petitioners ask that this be guaranteed.
- 23 If access is denied – see 22 above - your Petitioners request there should be proposed the purchase of an area of 1.05 ha of existing woodland and small lake, which has been improved by your Petitioners over the years, otherwise severed by the works.
- 24 The proposed land take is such that some of the Petitioners fields will be left in small, awkward to farm, shapes. There is a cost in relocating hedges and fences in order to re-shape fields to sensible layouts. Since the introduction of the Hedgerow Regulations 1997, the removal of any hedge more than 20 metres long requires the consent of the local planning authority which will add time, cost and uncertainty to your Petitioners.
- 25 Your Petitioners propose to your honourable House that the Hybrid Bill should be amended to provide that the Hedgerow Regulations 1997 do not apply to hedges which have to be removed to allow the reasonable re-organisation of field boundaries where land has been acquired by HS2 Ltd.

- 26 Your Petitioners are very concerned about trespass particularly from the Trent and Mersey Canal tow path both during and after construction and have requested detailed proposals covering fence specifications from HS2 personnel. This has not been addressed and we petition for a pragmatic and effective solution.
- 27 Your petitioners object to the proposed 'temporary' material stockpile at Works Nos. 3/93 and 3/94. and request that the large stock pile compounds around the A38 be used instead.
- 28 Your Petitioners object to the proposed Satellite Compound at Works Nos. 3/93 and 3/94 for the following reasons:
- (a) The proposed site is in a tranquil and environmentally sensitive area of the farm and is an entirely unsuitable site and location for a satellite compound housing up to 50 people.
 - (b) During construction it would be accessed by a private farm drive.
 - (c) There would be security and Health & Safety issues.
- 29 Your Petitioners propose that the Satellite Compound south of the line should be used, access to which is off Woodend Lane.
- 30 It is expected that greater use of Woodend Lane and the A38 will be made to limit damage to the environment. Making greater use of Woodend Lane would restrict all construction traffic in the area to the south of the Trent and Mersey Canal thus addressing the removal of the satellite construction compound.
- 31 Objection is taken to the proposed Access 68 and 97 and 123 and 149 for site mobilisation and demobilisation only, for Hs2's contractors to construct the northern part of a bailey bridge across the Trent and Mersey Canal. Works Nos. 3/93 and 3/94
- 32 This proposed 'access' track up your Petitioners private farm drive has been the subject of many discussions and correspondence with HS2 since they first made your Petitioners aware of their intentions at a Bi-lateral Meeting at Kings Bromley on the 11th February 2013.
- 33 The proposed 'Access for site mobilisation and demobilisation only' is not acceptable

for the following reasons:

- (a) Private farm drive to two properties. Woodend Common Barn Farm and Woodend Long Barn.
- (b) Slow moving farm traffic uses the drive on a regular basis.
- (c) It would separate two long established farms which have been in the same family for 3 generations.
- (d) It would destroy an area of land sensitively farmed to improve the natural habitat for wild life over many years. Apart from their own conservation your Petitioners have been involved with the Woodland Grant Scheme, The Farm Woodland Premium Scheme, the Stewardship scheme and the Entry Level Scheme.
- (e) Due to the proximity, your petitioners (the residents of Woodend Common Barn Farm) fear for their safety. The construction access is proposed to pass 6.5 metres from the farmhouse, almost touching the garage and alongside the garden and 5 metres from Woodend Long Barn. The potential danger to pedestrians, including your Petitioners grandchildren and pets is unacceptable.

34 Because of the above, your Petitioners believe that construction traffic would render the house uninhabitable. The same comments apply to Woodend Long Barn.

35 Staffordshire County Council have fully supported your Petitioners proposals for an alternative access to remove this danger.

36 HS2 Ltd have confirmed verbally that they would be willing to consider your Petitioners alternative proposals.

37 Your Petitioners suggest :

- (a) access to works over the Trent and Mersey Canal can be obtained via a bailey bridge erected from the Willow Cottage, Lock Cottage side of the canal. The use of cranes and concreting pumps could be utilised for the works to be carried out on Woodend Common Barn Farm and Wood End Long Barn from that side (south) of the canal thus avoiding the need to use the access track.

- (b) Taking into account Phase 2, from the east via Fradley Junction possibly using haul roads.
- (c) Re-routing the farm drive

38 This problem is further compounded by the continuing uncertainty as to the exact line of the Phase 1 route (it has already been moved twice on the farm), together with the fact that the petitioners will also be affected by Phase 2. The proposed location of the junction and the Manchester 'spur' has also moved on several occasions and predetermines where the Phase 2 route will cross the Petitioners farm land. These changes and additions were made after the consultation closed in January 2013 and gave us, therefore, no opportunity to record our views.

39 Your Petitioners object to the proposed HS2 Maintenance Access Route 68 and 97 and 123 and 149 Works nos 3/93 and 3/94 which will result in significant diminution to the value of the properties and land as a result of third party rights across the farm in perpetuity.

40 Your Petitioners request the removal from the Bill of this Maintenance Access Route and would suggest that maintenance access for HS2 works be kept to the south of the line at Willow Cottage/Lock Cottage. Taking into account Phase 2, access could be from Fradley Junction possibly using haul roads. This would remove for your Petitioners the blight, Health and Safety and security issues in on the farm land and the properties Woodend Common Barn Farm and Woodend Long Barn in perpetuity.

41 Your Petitioners object to the powers proposed in clause 51 of the Bill in which persons authorised by the Secretary of State can come anywhere within 500 metres of the line of not only Phase One but Phase Two. This is inappropriate and unacceptable.

42 Your Petitioners believe that this is an infringement of our human rights and in theory, and in practice, means anyone could walk all over the land without the owners permission or knowledge. Apart from the moral standpoint this would pose huge security and Health and Safety risks. Your petitioners request that this 500 metres should be dropped and access only applied to the construction area (during construction) and within the ownership thereafter.

- 43 It is clear from the Environmental Statement that there will be significant lengths of bund, made-up ground, 'sustainable placement' and ground reprofiling alongside the proposed railway, much of it on good quality agricultural land. For your Petitioners this means a 100m viaduct over Curborough Brook and a 100m long bridge over the Trent and Mersey Canal. Embankments would be constructed between the viaduct and the bridge, reaching a maximum height of approximately 14m above the ground. Retaining walls would be built between the tracks where they are at different levels.
- 44 Your Petitioners suggest that the proposal put forward by Staffordshire Count Council to go under rather than over the A38 and West Coast Main Line be adopted.
- 45 Your Petitioners would support the proposals being put forward by The Canal and River Trust and Inland Waterways Association and outlined in the Hyder Report commissioned by them for the realignment of the train south thus avoiding two crossings of the Trent and Mersey Canal in the Fradley Woodend Lock area.
- 46 Your Petitioners seek assurances that the Promoter will re-examine the alignment of the railway at this location to determine whether or not a horizontal shift of the railway or a diversion of the Trent & Mersey canal could be achieved. Your Petitioners believe one of the aforementioned modifications would facilitate a lowering of the railway (by avoiding two separate crossings over the Trent and Mersey Canal) which would reduce environmental impacts and enable greater environmental and community benefits than are currently shown in the Environmental Statement.

This would remove the :

- (a) need for the compulsory purchase of 7.1 ha of grade 2 agricultural land.
- (b) need to 'temporarily' acquire 0.2 ha of grade 2 land
- (c) destruction of a small lake and established woodland
- (d) severance of land
- (e) need for construction of a satellite compounded
- (f) requirement to use a private farm drive for 'Site Mobilisation and Demobilisation only'
- (g) requirement for permanent Maintenance Access through the farm
- (h) need to use Common Lane

- (l) extent of blight to 2 properties would be considerably reduced
- (j) extent of the environmental, visual and noise impacts on the Petitioners
- (k) reduce the cost of construction.

47 The Canals and Rivers Trust proposal would also

- (a) Eliminate much of the visual and noise impacts on the Trent and Mersey Canal, it's Conservation Area and the setting of the listed Woodend Lock and Bridge and Woodend Lock Cottage.
- (b) Minimise the construction and operational impacts on local canal and towpath users including temporary closures, permanent loss of moorings and ongoing loss of tranquillity in a beautiful area of Staffordshire.
- (c) Significantly lower the height of the railway
- (d) Reduce the impact on the environment, heritage, noise and people over a wide area.
- (e) Avoid construction of:
 - 80m long viaduct (separate bridges) over the Trent and Mersey Canal.
 - 100m viaduct over the Pyford Brook
 - 100m long viaduct over the Trent and Mersey Canal
 - 2 temporary canal bridges
 - Embankments up to 150m long and 17m high before, between and after these viaducts/bridges
 - Satellite compound
- (f) Reduce considerably the number of lorry movements for spoil, soil and materials.
- (g) Shorten the building time scale
- (h) Save approximately £54 million in construction costs.

A38 and WCML

48 From the very beginning your Petitioners have worked closely with Staffordshire County Council, and their own and neighbouring action groups, to try, through negotiation with HS2 Ltd, (including mitigation proposals presented to the Minister of Transport at a meeting with him in July 2013) to reduce the height of the railway as it passes through the area from Whittington to Handsacre.

49 Your Petitioners fully support Staffordshire County Council in their submission to you for the train to pass under rather than over the WCML and the A38 – the present proposal is for it to cross Cappers Lane in Lichfield at a height of 24 metres plus pantographs.

50 Whilst your Petitioners accept that this would be a direct increase in cost, the indirect cost benefits to the City of Lichfield and surrounding areas, environmentally, visually and financially would be substantial. More than 200 homes in the Streethay area alone will be blighted and there are plans to build a further 650 new houses.

51 The A38 is one of the country's main arterial roads. The proposed traffic measures which will cause disruption for 6 years on this highway are unacceptable, not only to the residents of Lichfield, which will become more or less gridlocked, but for the thousands of cars and heavy goods vehicles which use it on a daily basis.

52 House prices will drop, tourism will suffer, companies will be unwilling to invest, working hours will be lost – these are all points which should be taken into account when considering the proposal to go under rather than over the A38 and WCML.

53 Your Petitioners request the following changes to the Draft Code of Construction Practice :

- (a) Advance notice of works 5.1.2 is unacceptable - there needs to be named personnel with contact numbers for each section of works.
- (b) Core working hours 5.2.1. are unacceptable and they should be 8.00 am to 17.00 pm on weekdays which is considered nation-wide as a 'normal working week' and 8.00 am to 12.00 noon on Saturdays.
- (c) Start up and close down periods are not acceptable and should be changed as they give the green light for work being allowed to be carried out on a 12 hour day.
- (d) Additional Working Hours 5.2.5 5.2.6 5.2.7 and 5.2.8 as proposed are not acceptable and your Petitioners request they be changed as they allow 24 hour, 7 day week, night time, Saturday afternoon, Sunday and/or bank holidays working to giving contractors the right to work on 7 day 24 hour 365 day basis.
- (e) Work should be curtailed during the hours of darkness which, in winter would, if you take into account 5.2.4 mean working under lighting for up to 5 hours a day. Information is required as to how HS2 Ltd is going to protect those living within the locality from the light pollution, dust and noise which, as proposed, is being allowed to continue on a 24 hour 7 day week basis

- (f) Your Petitioners expect to see a detailed report on how these suggested hours will affect the stress and anxiety levels and quality of life for so many people not only living in close proximity to the line but those in surrounding areas if these hours are allowed to be incorporated in the Bill.
- (g) Noise and Vibration 13.1.1. Your Petitioners request an explanation by HS2 Ltd as to how 'Best Practicable Means' will be enforced.

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

55 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.

J A FIELDING B STONEY

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION OF J A FIELDING AND B STONEY

AGAINST, By Counsel, &c.

Joy Anne Fielding

[Redacted signature area for Joy Anne Fielding]

Barry Stoney

[Redacted signature area for Barry Stoney]