

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 CAROLINE BRENDA MARROW.

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 is the freehold owner of a residential property located on Kenilworth Road Cubbington, adjacent to the junction of that road and B4453 Rugby Road ("your petitioner's property"), where your Petitioner has resided for eighteen years. Your petitioner's property is approximately 1,450 metres from the line of the route planned for the Authorised Works, and is not required to be demolished for the purposes of constructing those works. However, the Promoter's proposals would see construction traffic from two satellite construction sites located in Cubbington routed past your petitioner's property. The Promoter's own estimates are that the number of construction vehicles passing your petitioner's property may be as many as 340 two-way vehicle trips per day, of which up to 110 trips may be made by heavy goods vehicles. The Promoter also estimates that construction traffic movements will be necessary for a period of up to two years. Your Petitioner is concerned that the volume of construction traffic that will pass your petitioner's property will result in injurious levels of noise, vibration, fumes and dust, and will be a safety hazard to your Petitioner and other road users.
- 8 Your Petitioner and her rights, interests and well being are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 9 Two satellite construction sites lying within the Parish of Cubbington have been proposed by the Promoter: Cubbington retaining wall compound, and Coventry Road overbridge compound. The locations of these two compounds are shown on map CT-05-092a in Volume 2 Map Book CFA17 of the Phase 1 Environmental Statement: the former is on B4453 Rugby Road between Cubbington and Weston Under Wetherley, and the latter is on Coventry Road approximately one kilometre south of its junction with A445 Leicester Lane.
- 10 The "highways access routes" specified for the two compounds (in table 1 on page 23 of the Phase 1 Environmental Statement, Volume 2 Report CFA17) share a common section over a portion of the route; this section is B4453

Rugby Road, Kenilworth Road, Westhill Road and Bericote Road as a means of access to and from the M40.

- 11 The Promoter has presented estimates of the “average daily combined two-way vehicle trips during busy period and within peak month of activity” in table 17 on page 175 of Report CFA17. For the Cubbington retaining wall compound this estimate is 140 to 190 trips per day by cars and light goods vehicles (LGV) plus 65 to 95 trips by heavy goods vehicles (HGV). The Promoter further estimates that the “estimated duration with busy vehicle movements” for this compound will be 22 months and that the compound will be operational for 2 years. The equivalent estimates for the Coventry Road overbridge compound are 40 trips per day by cars/LGVs and 20 trips per day by HGVs, spanning a busy period of 12 months, which is also the timespan for which the compound will be operational. The construction traffic using the common Rugby Road and Kenilworth Road route will be the sum of these two estimated flows, at any time that the two compounds are both working at peak capacity.
- 12 The section of Rugby Road that the Promoter’s proposals require construction traffic to utilise and the whole of Kenilworth Road are both within the residential area of the Parish of Cubbington. In traversing this route construction traffic will pass the frontages of approximately 200 dwellings, including your petitioner’s property. The junction of Rugby Road and Kenilworth Road is in the form of a compact “mini” roundabout with restricted sight lines, particularly when approached from the east on Rugby Road. The Promoter’s proposal will require construction traffic travelling away from the two compounds to approach the roundabout from this direction and to turn right at the roundabout.
- 13 There is an alternative route available for construction traffic to and from the Coventry Road overbridge compound. This route utilises the northern section of Coventry Road and A445 Leicester Lane, regaining the Promoter’s proposed route at Westhill Road. This alternative route completely avoids the residential Rugby Road/Kenilworth Road section and, as a result, passes a significantly reduced number of dwelling frontages compared to the proposed route.
- 14 Construction traffic to and from the Cubbington retaining wall compound may similarly avoid the Rugby Road/Kenilworth Road section by utilising Coventry Road, which adjoins Rugby Road, and the A445 Leicester Lane link to Westhill Road. This traffic will still pass a number of frontages in the section of Rugby Road that lies east of its junction with Coventry Road, and the Old Mill Care Home, but your Petitioner accepts that there is no practical alternative to using this section of Rugby Road if the currently proposed location for the compound is retained.

- 15 Your Petitioner seeks a commitment from the Promoters to alter the specified "highways access routes" for the Coventry Road overbridge compound and the Cubbington retaining wall compound so that they avoid Kenilworth Road and use Coventry Road instead.
- 16 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.
- 17 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 she may be heard by herself, 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 her 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.

Caroline Marrow (Mrs)

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BILL

PETITION OF CAROLINE BRENDA MARROW

AGAINST, By Counsel, &c.

Mrs Caroline Marrow

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