

**PETITION AGAINST A HYBRID BILL**

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

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

Against – on Merits

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of David Outen.

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. The Bill 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. Clauses 37 to 42 of the Bill establish a regulatory regime for the railway transport system, clauses 43 to 46 of the Bill deal with nominated and statutory undertakers and other Phase One function-holders, clauses 47 to 48 provide provisions for Regeneration and reinstatement, clauses 49 to 52 address Further high speed rail works, including powers for the Scottish Ministers, clauses 53 to 56 concern matters pertaining to The Crown, clauses 57 and 58 provide for administration of deposited plans and sections, clauses 59 to 61 contain miscellaneous and general provisions, and the remaining clauses 62 to 65 contain interpretation of words and terms used in the Bill, financial provisions, commencement day and short title of the Bill.

4. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”).

5. Your petitioner is joint owner of a property in the Parish of Hints with Canwell (hereinafter referred to as the Petitioner) and the Bill would authorise the construction and operation of the railway system and its associated development through this Parish. Your petitioner will be specifically, directly & injuriously affected by the scheme. The property Cedar Tree Cottage, School Lane, Hints, was specifically mentioned in the Draft Environmental Statement as a receptor for severe adverse visual impact over the long term.

6. The Parish of Hints with Canwell is situated in an area that was classified as an area of high landscape value in the past but now, due to changes made to such classifications, an area of Landscape Maintenance. This requires that any development blends unobtrusively into the landscape and does not alter its characteristics which are defined by a series of rolling hills topped by ancient wood covers.

4. The lower half of the Village of Hints has been classified as a Conservation Area, this classification dependent in part on the views from the Village across the Bourne valley.

5. The Bill provides for the route of the line to pass across the Canwell Park estate within 300 metres of and to the south of the Village of Hints in a cutting through an escarpment at an elevated level directly opposite the Village between two ancient woods that are overlapped by the track easement. It will emerge in full view from the village alongside Rookery Wood.

6. From there its alignment follows a tight curve in a north easterly direction to cross the Bourne Valley on an embankment and over the River Bourne on a concrete viaduct before entering a deep cutting to pass under Watling Street and the Hints A5 By-Pass to the east of Lichfield.

7. The engineering design along this section has been compromised such that the horizontal radius necessary to achieve the alignment from Drayton Bassett past Hints to Whittington golf course is beyond the standard design limits being used by HS2 Ltd.

8. The net effect of this compromise is threefold. The maximum operating speed along this section has had to be reduced to 225mph: even at this lower speed there will be increased friction developed between rail and wheel flange giving rise to additional noise (wheel screech): and thirdly this will significantly increase the frequency of track maintenance required resulting in unacceptable night-time disturbance to the local population from noise and lighting.

## 9. GRIEVANCES.

1) Within the triangle of land on the doorstep of the north eastern Birmingham Conurbation bounded by the Tamworth Road, the A38 By-Pass, and the Hints By-Pass lies a unique oasis of beautiful countryside of high landscape quality (one of only two areas so designated in the whole of Staffordshire apart from AONBs) . This is recognised in the Environmental Statement, with emphasis on the tranquillity of the area.

2) This provides a highly popular amenity area for ramblers, horse riders, and for game shooting & hunting; it contains several ancient woods and habitats for several species of bats and other protected wildlife. Its uniqueness will be completely despoiled by the current development proposals and lost for future generations.

3) Examination of the history of mitigation proposals for Hints & the surrounding area demonstrates that since the project was first announced in April 2010 the minimal mitigation to be provided at the outset has been further diminished rather than improved.

4) It is also apparent that there has been a persistent policy of concealing the worst effects that the scheme will have on the community and area through a series of mis-statements, omissions, changes and the ignoring of the legitimate concerns of residents in the consultative processes undertaken by HS2 Ltd.

5) The net result is that the mitigation now proposed is superficial and will be completely inadequate in providing any form of protection to the community, the preservation of the surrounding landscape, flora and fauna and the continued amenity value of the area.

6) Specific grievances to be addressed fall under the following headings:

- a) History of the mitigation in Hints & Area.
- b) Shortcomings of the consultation process in Community Forum 21 & associated bi-lateral meetings.
- c) Subjectivity and bias of the Sift Process.
- d). Design compromise around Hints & Area giving rise to increased noise and night-time maintenance airbrushed out of the Environmental Statement, and HS2 Ltd documents published after Dec. 2010 and ignored in impact assessments.
- e) Other omissions & bias in the ES for CF21 including incomplete noise and habitat surveys and analysis and the downgrading of the impact assessments from draft to final ES.
- f) Severe adverse impact on Hints Conservation Area, ancient woods, and high quality landscape.
- g) Severe adverse impact on local amenities.
- h) Severe adverse impact on wild life.
- i) Severe adverse impact on the community of Hints.

#### 10) REMEDIES.

1) The minimum provision for mitigation should be the construction of a short 800 metre cut & cover tunnel through the escarpment directly opposite the village. This would maintain a green corridor between the Canwell Park Estate and Hints for wildlife, walkers, pheasant shooting and farmers. It would eliminate a major scar to be inflicted on the landscape that will be clearly visible from several vantage points and would preserve the major part of the two ancient woods for posterity. It would also shield the community from the worst effects of severe noise and visual impact particularly in the lower half of the village and would support the conservation status of the village in the future.

2) This should extend beyond Rookery (Brockhurst) Lane which should be regraded along its existing route to pass over the tunnel. This would ensure the least change to the landscape caused by the diversion of this road.

3) Also it would replace the underpass currently proposed which will have a restricted height preventing use by agricultural machinery and emergency vehicles accessing the Canwell Estate.

3) The lowering of the track to accommodate the tunnel will have the beneficial effect of lowering the height of the embankment across the Bourne Valley and the height of the viaduct across the river.

4) Contiguous piling should be employed to support the excavations for the tunnel to limit damage to the 2 ancient woods namely Rookery & Roundhill Woods.

5) Hard landscaping and planting over the tunnel should be sympathetic to the immediate surrounds.

6) Failing this a 3km tunnel should be provided through the Canwell Park Estate to preserve the whole area for future generations to enjoy.

7) Failing all of these HS2 Ltd should be instructed to investigate in an objective engineering analysis (free from political interference) alternative fit-for-purpose re-alignment options which will obviate the need to compromise the design in terms of maximum speed, frequency of maintenance, and safety and will save this area from permanent severe adverse change.

8) Due to the topography of the area the Voluntary Purchase Zone should be extended to include Cedar Tree Cottage and other named properties in the village which HS2 Ltd have stated in the Draft ES will be permanently adversely affected by the new railway during construction and operation and thus qualifying for purchase by HS2 Ltd.

9) In addition to the above consideration should be given to making significant improvements to the compensation package offered to those blighted by the scheme. In Hints only one property has been sold on the open market since the scheme was announced in April 2010. Cedar Tree Cottage has been on the market since January 2014 and despite reducing the price it has attracted no viewings. The owners have 'done the right thing all their lives having worked hard, paid tax on everything they have earned, and saved'. They are faced with a minimum of 12 years further blight, the value of their property having been slashed by some 40%, and their only opportunity to downsize now reliant on a sudden deterioration of the health of one of them to qualify under the Exceptional Hardship Scheme. The new proposal seems little better. In reality they are being asked to contribute a significant element of their accumulated wealth towards the cost of the scheme and confinement in a village with the prospect of severely disrupted lives because the Government refuses to accept the full responsibility for the plight of all people directly affected by their scheme..

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

12.. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and his 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 he may be heard by his 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.

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