

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 DUNCAN MACKENZIE

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.

7.1 I, your Petitioner, Duncan MacKenzie, have lived as owner / occupier at 2 Rose Cottages, Uttoxeter Road, Blithbury, Rugeley, Staffordshire WS15 3HU, with my family for fourteen years. Three of our five children have been born here. I teach Secondary Mathematics at Polesworth School, Tamworth and am a Parent Governor at our village Primary School; my wife, Julie, was Chair of Governors at the school for 10 years. We are dedicated to our family and community.

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

8 Construction Strategy

8.1 Your Petitioner's property is in the vicinity of both Phase 1 and Phase 2 of the route. It is not currently scheduled for demolition as a result of this Bill but, as safeguarded, the end of HS2 Phase 1 points directly towards us. Because high speed railways cannot negotiate curves, it will not be possible for the route to deviate significantly from the proposed route, nor follow any other path than directly towards our community. No information pertaining to Phase 1 of the route (announced as running from London as far as Birmingham, 25 miles to our South) was made known to us until Phase 2 was announced in 2013. Yet information released in support of

the Phase 1 Hybrid Bill reveals construction facilities and compounds less than 1 mile from our home. We were excluded from the consultation process on Phase 1.

8.2 The link from the end of Phase 1 to the West Coast Main Line at Handsworth is around three miles South of Blithbury and the road links between us, the village of Hill Ridware, where our Primary School is located, the City of Lichfield and all of the A-Roads to the South, East and West of Blithbury will be crossed, severed or significantly disrupted by the planned Railway. Construction routes, spoil dumps and works sites in the area, involving over 2,500 lorry movements per day (HS2 Ltd's own data) are detailed in the maps and information that were provided amongst the supporting information that accompanied the Bill. Your Petitioners' property is on the B5014, a minor road nationally but a major artery locally, which will almost certainly be used by construction traffic during the construction of the Scheme.

8.3 Not only are we directly affected by the Phase 1 Hybrid Bill, we will continue to suffer additional disruption (as yet unspecified in detail, but likely to be orders of magnitude more significant than the Phase 1 construction) for a further decade should Phase 2 of the Railway be authorised.

8.4 Our minor roads are barely wide enough for two vehicles to pass safely, and the surfaces are in an appalling condition. Repair and upkeep appears to be a perpetually low priority for those controlling such budgets. They are not fit to carry considerable additional amounts of construction traffic.

8.5 Your Petitioner seeks legislative guarantees, via this Bill, that works will be carried out in such a way as to cause the absolute minimum of disruption. Temporary routes and bridges must be constructed alongside the route before roads are shut and cuttings excavated. Scheduling of works concurrently on multiple affected roads in any specific area must be avoided in order to protect existing journey times as far as possible.

8.6 Your Petitioner seeks a commitment to invest in our transport infrastructure by widening roads and providing an adequate road surface for all routes carrying construction traffic.

9 Compensation

9.1 The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 19 years to complete and will include lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. Our children are aged between 8 and 16; two of them take medication

for asthma. By the time HS2 is commissioned in 2033 they will be aged between 27 and 35. It is inconceivable that we will not seek to downsize once our children become independent, and yet the prospects of being able to sell our property for a fair value are going to be severely compromised by blight throughout the next two decades. The compensation scheme currently in place is inadequate and in spite of the obvious impact, we feel that the specified criteria for qualification have been defined to specifically exclude people in our situation.

9.2 Your Petitioner requests that the existing compensation scheme should be replaced by a fair and transparent scheme guaranteeing that homeowners with properties affected by HS2 should have the full unblighted value of their property underwritten by the state, irrespective of distance from the line.

10 Noise and Visual Impact and their Mitigation

10.1 Noting that the proposed route involves several miles of raised embankments in the area, existing intentions to mitigate noise and visual impact appear to be inadequate and ill-conceived. Your Petitioner is concerned that, in the light of repeated statements by Sir David Higgins urging cost savings and an acceleration of the construction time frame, costs will be cut and time saved to the detriment of aural and visual mitigation in preference to overheads with no direct public impact, such as his own salary.

10.2 Your petitioner is concerned that HS2 Ltd have not set proper noise thresholds, have ignored national policy in this area and have failed to incorporate the views of the World Health Organisation. The specific impacts of ground-borne noise have not been properly considered, nor explained to impacted communities. The limit for ground-borne noise does not reflect recent practice or experience. The methodology used for predicting the impact of ground-borne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.

10.3 Your Petitioner requests that HS2 Ltd be instructed to issue revised noise thresholds covering noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including guidelines on peak noise (60db max pass-by outside, giving 45db inside).

10.4 Your Petitioner requests that HS2 Ltd be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.

- 10.5 Your Petitioner requests that a binding requirement be included in the Bill for noise monitoring, with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.
- 10.6 Your Petitioner requests that HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension: ground-borne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.
- 10.7 Your Petitioner requests that HS2 Ltd be required to set noise-limits for construction which are in line with World Health Organisation limits and that local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.
- 10.8 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 10.9 Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

11 Deterioration of Existing High Speed Rail Service from Lichfield to London

- 11.1 The existing journey time, by train, from Lichfield to London is approximately 75 minutes. Literature specifically produced by HS2 Ltd for residents in the Fradley / Rugeley area highlights an alternative journey, via the HS2 Station at Curzon Street in Birmingham (30 minutes train journey to New Street, followed by 15 minutes' walk across Birmingham City Centre, followed by the High Speed Rail journey) as the major "opportunity" offered by the new service. Your Petitioner is concerned that sufficient research into equivalent journey times has not been adequately carried out, or that there are already plans to cancel our excellent existing direct rail services to the capital.
- 11.2 Your Petitioner requests that a thorough, robust and transparent comparison of equivalent journey times between the existing services and HS2 is carried out and published. An emphasis is placed by High Speed Rail advocates on the correlation between reduced rail travel times and economic prosperity. Your Petitioner requests legislative guarantees within the Bill ensuring that the introduction of a High Speed Rail network does not, by design, threaten economic prosperity in the Lichfield area by causing slower journeys from our City to the capital.

- 12 For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses within the Bill are amended or added as proposed above, then the Bill should not be allowed to pass into law.

- 13 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner. Other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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

DUNCAN MACKENZIE

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