

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 Philip Wilson Moore.

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 Philip Wilson Moore (hereinafter referred to as 'the Petitioner'), the owner of 58 Church Street Whittington Lichfield Staffordshire WS14 9JX and the bill may directly specifically effect the petitioner due to longer and more difficult journeys in the locality to London and the South. The proximity of HS2 may lower the market value of the Petitioner's property. Your petitioner's property also lies within the Zone of Theoretical Visibility as shown in the maps that accompany the Environmental Statement. Your petitioner's property also lies within the area shown in the Environmental Statement which will be impacted by noise from the construction and operation of HS2. -Your petitioner is a regular user of the Capper's Lane, Darnford Lane & Lichfield Road {which is within the limits of land to be acquired and used under the Bill/is liable to be used by construction traffic during the period of construction of the works authorised by the Bill/is liable to be interfered with for the purposes of works authorised by the Bill}.-
- 8 Your Petitioner's and his rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

9 Provision of Tunnels

- 9a Your Petitioner is concerned that the proposed Lichfield Road, Darnford Lane and Capper's Lane etc Embankment/Viaduct between Whittington and Lichfield will greatly aggravate the noise and visual impact on your Petitioner's Property and the locality.
- 9b Your Petitioner requests that a combination of green and bored tunnels should be constructed commencing at Lichfield Road Whittington Heath, through to the North West of the A38 (with consideration given to including the section between Fradley and Lichfield) to reduce the potential noise, vibration, dust and visual impacts.

Should tunnels be provided than a significant part of the following requests would be ameliorated. However, Clause 24 is requested to be addressed separately.

10 Noise

- 10a Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise. Noise would severely impact upon the use and enjoyment of the Property by your Petitioner as well as on the neighbourhood's amenity including additional noise at quieter times with trains repositioning for next day.
- 10b Your petitioner is concerned that the noise thresholds chosen by HS2 Ltd do not reflect current World Health Organisation standards or the latest research which shows adverse health impacts from prolonged exposure to noise above World Health Organisation limits.
- 10c Your Petitioner requests that HS2 Ltd be required to ensure that operation of the high speed railway does not exceed 40dB, the threshold identified by the World Health Organisation as appropriate for ensuring no long term health issues for persons living nearby.
- 10d Your petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the Property and there are no other adverse effects.
- 10e Your Petitioner requests that there should be binding mitigation measures including an effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development.

11 Dust

- 11a Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on their Property and environmental quality of the neighbourhood.
- 11b Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.
- 11c Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.
- 11d Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the Guidance on the planning for mineral extraction.

- 11e Your Petitioner request that there is a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioner's Property and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.

12 Air Quality

- 12a Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development
- 12b Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.
- 12c Your Petitioner requests that the local authority should be provided with funding to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available.

13 Highways and construction of works proposed to be authorised by the Bill

- 13a Your Petitioner is concerned about the impact of the construction and operation of a high speed railway and its associated development including but not limited to construction compounds, storage compounds, the use of overhead cranes, construction compounds and other construction plant and equipment at Capper's Lane Darnford Lane and Lichfield road.
- 13b Your Petitioner requests that the nominated undertaker is subject to binding mitigation measures to mitigate the impacts of the works between Whittington and Lichfield. These binding mitigation measures should include but not be limited to restrictions on noise, dust, vibration construction hours, vehicle movements, operating hours, design of structures. Monitoring compliance with these restrictions and enforcement of these restrictions. The nominated should also mitigate the impact of noise, noise, dust, vibration and impacts on visual amenity through measures such as noise insulation and barriers, sheeting of haulage vehicles, dust dampening, hand piling, and sympathetic design in keeping with the surrounding area.

14 Highways

- 14a Your Petitioner is concerned that the construction of the high speed railway and associated development at Capper's Lane Darnford Lane and Lichfield Road and on the wider area will impact significantly upon the quiet enjoyment of the Property and the neighbourhood by way of noise, disturbance, visual intrusion and traffic increases.
- 14b Your Petitioner is concerned about the use of unsuitable highways by large vehicles delivering equipment and supplies, and removal of spoil during the construction works as well as use of highways by other vehicles. The disruptive effect of these vehicle movements will be compounded by long hours of operation. The use and routing of large vehicles within the vicinity of the Property is also a matter of concern to your Petitioner.
- 14c Your Petitioner requests that hours for the movement of construction traffic are limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles, and other miscellaneous related matters.
- 14d Your Petitioner requests that large vehicles as well as other construction traffic must be strictly controlled, having regard to the particular sensitivities of the area. Your Petitioner therefore requests that the nominated undertaker should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and the relevant local authority.
- 14e Your Petitioner requests that binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforced by environmental health officers
- 14f Your Petitioner is concerned about the risk to public safety posed by the large, heavy lorries and articulated vehicles, especially in light of the fact that the roads are of light design and narrow. Your Petitioner is also concerned about the access leaving and entering the construction site(s).
- 14g Your Petitioner requests submits that risk assessments should be completed by the nominated undertaker, relevant statutory undertakers and emergency services in relation to the access and transport issues raised by construction activity for each Community Forum Area. Your Petitioner requests that the results the risk assessment should be available to the public.
- 14h Your Petitioner is concerned about the wear and tear, and degradation to the highways as a result of construction traffic.
- 14i Your Petitioner requests that appropriate funding should be provided by the nominated undertaker to the highway authority for the maintenance, repair and re-instatement of highways required as a result of use by construction traffic.

15 Wheel washing

- 15a Your Petitioner is also concerned about the risk to health and safety by presence of mud and other debris on the highways as a result of the construction traffic.
- 15b Your Petitioner requests that there are binding mitigation measures including detailed measures for wheel washing of all vehicles exiting the site(s) onto the highway network and a clear protocol is defined within the Local Environmental Management Plan, enforced and communicated to all employees of the nominated undertaker, contractors and visitors. The person(s) with overall responsibility for ensuring that the protocol is put into practice on sites should be clearly identified. The local highways authority that have responsibility for monitoring compliance with and enforcement of the protocol and should be clearly identified in the protocol.

16 Relief roads

- 16a Your Petitioner is concerned about the impact of construction traffic on Whittington & Lichfield Areas where your Petitioners' Property lies. The increased traffic, noise etc in this small rural village will have significant negative impacts on the character and setting of the village, and result in your Petitioner's Property being subject to intolerable noise, vibrations and visual impacts.
- 16b Your Petitioner requests that a full relief road is constructed to minimise impacts on the village and, in particular, the impact of construction vehicles. The alignment and design of the relief road must be discussed with the local community and the local highways authority in order to minimise land take and ensure it is appropriate for the rural location.

17 Prohibiting and/ restricting construction traffic/alternative routes

- 17a Your Petitioner is concerned about the impact of construction traffic on C Capper's Lane Darnford Lane and Lichfield Road Huddlesford Lane. The Capper's Lane Darnford Lane and Lichfield Road Huddlesford Lane is not suitable for construction traffic because it is not designed for such traffic and is too narrow and is already subject to farm traffic etc. The increased traffic will poses a risk to health and safety of other road users and pedestrians will have significant negative impacts on the roads sustainability, character and setting of the area.
- 17b Your Petitioner requests that all construction traffic is fully prohibited from using Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane and instead construction traffic is routed by their own haul roads to minimise impacts on the area and, in particular, the impact of construction vehicles. The alignment and design of any alternative route must be agreed with the local community and the local highways authority in order to minimise land take and ensure it is appropriate for the location. When the road is no longer required for construction traffic your Petitioner request that it should be reinstated to the former land use.

18 Objection to road closure or closing a public right of way

- 18a Your petitioner is concerned about the closure of Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane which will cut access to Lichfield from Whittington. Your Petitioner uses this regularly to access local facilities. Therefore closure of this road would cause serious disruption to you Petitioner and increase time and cost to access shops and other facilities and also would result in loss of connectivity with other areas.,
- 18b Your petitioner requests that if Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane is to be closed at any point, an alternative route is provided, possibly involving a temporary bridge or with no more than one road closed at any point in time. The alternative route must be agreed with the relevant highways.

19 Need for Bridges and alternative routes

- 19a Your Petitioner is concerned that Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane will be severed by the construction and operation of the high speed railway and associated development. This will cause traffic congestion, inconvenience and extended commuting time for your Petitioner
- 19b Your Petitioner requests that a permanent road bridge is constructed to reconnect Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane if required.
- 19c Your Petitioner is concerned that Country side access around Whittington will be severed by the construction and operation of the high speed railway and associated development. This will make it difficult/impossible for pedestrians to access the country side. Your Petitioner request that temporary and permanent bridges is constructed to join accesses to these areas of land.

20 Maintaining Roads

- 20a Your Petitioners are concerned, in respect of highway works at Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane. Your Petitioners believe that the highway works will cause considerable disruption to the Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane and result in severe difficulties for those wishing to access Lichfield as well as risks to health and safety. Your Petitioners therefore request that during construction and operation of the high speed railway and its associated development at Capper's Lane, Darnford Lane, Lichfield Road and Huddlesford Lane should at all times kept open and available for use by vehicular traffic and pedestrians.

- 20b Your Petitioner further requests that the nominated undertaker should be required under the Bill to provide detailed plans, method statements and other particulars of works including the work programmes and schedules of deliveries (in particular abnormal deliveries) occurring in proximity to the Property substantially in advance of the commencement of construction operations to the relevant highways authority.

21 Construction Hours

- 21a Your Petitioner is concerned that having regard to the residential nature of the Property and the neighbourhood, the construction of the high speed railway and its associated development is likely to create considerable disruption.
- 21b Your Petitioner requests that under binding mitigation measures hours of construction should be strictly limited from 08:00 to 17:00 Monday to Friday.

22 Use of existing roads

- 22a The power to use your Petitioner's road will cause cause loss of income, inconvenience, delays and disturbance.
- 22b Your Petitioner does not consider that the nominated undertaker requires the roads for the purposes it indicates and that alternative accesses exist and can be used by the nominated undertaker with less impact on your Petitioner's interests.
- 22c Your Petitioner requests that the road(s) should be excluded from the land that is to be temporarily required.

23 Code of Construction Practice

- 23a Your Petitioner is concerned that the nominated undertaker's ongoing accountability to is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective, however, the Code of Construction Practice has no legal status.
- 23b Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts

- 23c The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority and Community Forum Area. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice.
- 23d Your Petitioner submits that a specific construction management plan should be produced to manage and co-ordinate the operation of construction camps which should clearly outline the phases of activity and a co-ordinated management of their interaction, and a framework for enforceable measures. A construction management plan should be available to each Community Forum Area showing the timetables and community impact, as well as mitigation measures.
- 23e Your Petitioner submits that clear and easy to follow enforcement mechanisms for local communities and local authorities should be included in the Bill. This will provide a commitment to rectify or compensate for environmental impacts.

24 Compensation here Property is not scheduled to be acquired but is experiencing blight.

- 24a Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development.
- 24b Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.
- 24c Your Petitioner requests that the voluntary purchase announced on 9th April 2014 should be extended to all properties outside of the safeguarded area and should not be limited to rural areas.
- 24d Your Petitioner requests that the home owner cash payments should be extended to all areas within the vicinity of the proposed high speed railway line and the payment should be calculated so that all diminution in value is compensated.

- 24e Your Petitioner submits that the Bill should be amended to ensure that your Petitioner is entitled to claim compensation where their Property is not compulsorily acquired for, among other matters, structural damage to the property, settlement impacts from noise and dust, impacts on visual amenity, interference with access, interference with supplies of services and for injurious affection caused by the construction and operation of the high speed railway and associated development. Your Petitioner requests a provision to enable such claim to be made separately from any claim for compensation in respect of the acquisition of land or interests under the powers of compulsory acquisition in the Bill.
- 24f Your Petitioner requires an indemnity from the nominated undertaker that the proposed works will not be of long term or irreversible detriment to the land and interests of your Petitioner. Such indemnity would also remedy any damage, claims, demands, proceedings, costs, damages, expenses and disruption arising from the construction and operation of the high speed railway and associated development.

25 The petitioner objects to the form of the current bill

- 25a In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to representation before the Select Committee.
- 25b For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
- 25c 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.

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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Philip Wilson Moore

AGAINST, By Counsel, &c.

Philip Wilson Moore

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