

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON — WEST MIDLANDS) BILL

Against — 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 DR PAUL THORNTON AND DR SANDRA THORNTON

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.
- 3) Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the 'Scheduled Works' set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations.
- 4) Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.
- 5) Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or

modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.

- 6) Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

Your Petitioner

- 7) Your petitioners are Dr Paul Thornton and Dr Sandra Thornton, General Medical Practitioners residing at 390 Cromwell Lane, Burton Green, Kenilworth, Warwickshire, CV8 1PL. This is within the village and Parish of Burton Green, within the area of Warwick District Council and of Warwickshire County council.
- 8) The proposed HS2 line has been designed to avoid communities as much as possible so as to minimise political opposition and to take advantage of the cheapest agricultural land values. The corollary of this is that detriment to the most sensitive rural countryside environments is maximised. While this is most recognised in respect of the Chilterns area of outstanding natural beauty, the lack of similar "protection" for the countryside around our locality should not provide carte blanche for its substantial destruction.
- 9) Burton Green is the exception that proves the rule in that regard as the line passes right through the centre of the village that lies on the very edge of the Coventry conurbation.
- 10) The extent to which the London Crossrail project is being built within a compact and constrained space within the city environment demonstrates that substantial construction can be undertaken on a minimal footprint. For example, cuttings can be created almost entirely from within their own boundaries. The construction of HS2 in the rural areas is not being similarly constrained. Enormous areas of land and woodland are being needlessly disrupted, degenerated, disturbed or destroyed. HS2 has embarked upon a land grab for any land they think they might possibly have

a need for. This would be clearly recognised as incompetent if the same dimensions were claimed in the urban environments.

- 11) The bill in its current form exacerbates that land grab. It gives the promoters a near open ended capability to acquire further land, over and above that which is described in the plans and upon which there has been at least some lip service to consultation and environmental assessment. Rather than providing such largely unfettered powers, the bill should be amended to ensure that the promoters are substantially restricted in their use of land. This should be achieved firstly by independent scrutiny and justification of the extensive land take that is now proposed in the explicit plans, and then by ensuring that the bill is amended to substantially prevent any future further land grab activities. Certainly wholly independent assessment of need should be required. Such land grab control should be recognised as a pre requisite to ensuring future project cost constraints and budgetary confidence. The bill should not be passed into law if the plans are so inadequately researched and considered that the promoters are not even able to provide certainty about the necessary land take.
- 12) Our home is located in close proximity to the proposed track. A line 120 meters from the centre of the proposed railway bisects our garden diagonally and similarly bisects the field that we own behind our house. Compensation proposals for householders are defined by the location of the householder relative to that wholly arbitrary 120m dividing line. But there has been no clarification in respect of the intended compensation arrangements in respect of property that falls across that arbitrary dividing line.
- 13) The bill should be amended so that compensation is awarded that meets the full value of the direct and indirect detriment attributable to the new railway that is incurred by householders irrespective of the distance from the line. Such compensation should be determined by an independent judicial tribunal and based upon the best available expert evidence. Anything less will result in those who are most affected carrying a disproportionate and potentially huge real cost for a railway that is supposed to be in the whole national interest. If the mitigation arrangements are to be as successful as is claimed by HS2 Ltd, then the requirement for compensation should be affordable and reasonable. If the mitigation is not as

effective as claimed by HS2 Ltd then substantial compensation is only just and appropriate.

- 14) Costs incurred through disruption, inconvenience, obstruction, noise and any individual mitigation during construction and operation should be included in such compensation.
- 15) The independence of the adjudication is the essential requirement. The compensation should include the cost of all professional help required by the householder in assembling and presenting their claim.
- 16) We are in very close proximity to the Warwickshire/Solihull boundary such that much of our activities will be detrimentally impacted within the Solihull MBC area as well as within Warwickshire. This detriment will arise through the extensive destruction of the green belt in that area, the Meriden gap, that fulfils a thin green dividing line between Coventry and Solihull/Birmingham. This will be caused not just by the line itself, or the associated extensive construction infrastructure, but additionally, by the extensive permanent building development in the vicinity of the intended station at Packington.
- 17) This development, that is wholly distinct from the rail infrastructure is being promoted by the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP), which is a partnership of local authorities (also including Birmingham City Council) businesses and universities that aims to support private sector growth and job creation. The GBSLEP has produced the M42 Economic Gateway Masterplan Report, June 2013 ('the Masterplan').
- 18) This illustrates an inherent flaw in the HS2 proposal. Its stations are positioned within the current economic and manufacturing locations. The HS2 proposal as set out can only be justified by building de novo on green field sites effectively to create new destinations for the new train routes to serve. This will suck development away from the urban areas currently in need of genuine regeneration. The planned development will generate economic activity. But this will not be as much economic activity as might be from this investment of this public money and is environmentally not competent. There can be no doubt however that it will be substantially profitable for some of the protagonists of the line.
- 19) The HS2 proposal is underpinned by a requirement that the trains will be built to the European "gauge", i.e. in respect of train width, track separation and platform

dimensions. There was some rationale for this when it was believed that there might be through trains to Europe. Now that possibility has been irrevocably shelved, there is no rationale for continuing to using a gauge that prevents trains running on to multiple classic line destinations, and particularly in to existing stations that are located in the desirable economically active city centre destinations and at which passengers can easily connect with numerous existing services for onward journeys to smaller communities. While it is intended to create "classic compatible trains" for extended journeys, such trains cannot tilt. Because they cannot tilt they will never be able to travel as fast on the classic lines as even the existing Pendolinos and so such trains will slow down and interfere with services north of the high speed line.

20) Against that background, your petitioner urges the committee to amend the bill to do away with new stations essentially in the "middle of nowhere" and to end the proposal to build to European gauge specifications. Instead your petitioner urges the committee to amend and enhance the connectivity between new lines and existing lines so that capacity is increased for real, existing urban centre destinations, at existing stations that need that capacity. This would make use of trains that travel quickly on both any new lines and on the existing network but not so fast such that such straight line tracks are required.

21) Against that background your Petitioner is concerned that:

- a. the Bill proposals for the treatment of Junction 6 of the M42, and associated access arrangements into the site, are insufficient
- b. the design and layout of the proposed Interchange Station and surrounding infrastructure represent needless detrimental use of green belt land.
- c. the Bill fails to safeguard or promote rail connectivity
  - i. across the West Midlands.
  - ii. between the West Midland cities of Coventry and Birmingham and the East Midland cities of Derby, Nottingham, Leicester and thence Sheffield. Such connectivity could be considerably further enhanced by electrification and development of the existing line from Birmingham to the Midland Main Line, to the standards enjoyed by the East and West coast main lines. This could be achieved much more quickly and much

more cost effectively than the envisaged eastern branch of HS2 that will serve none of those north eastern city centres.

- d. the generic, unattractive and cumbersome nature of structure designs, particularly in relation to viaducts, would result in structures that are not attractive or sympathetic to their surroundings, and would therefore result in a permanent detriment to the character of rural Solihull;
- e. the construction effects on local people and businesses during the construction period are not properly mitigated, and in particular there is no robust plan relating to the ongoing maintenance of public highways used as construction haul routes and the future maintenance of new and diverted highways;
- f. local planning authorities are not guaranteed to be sufficiently involved in the development of local environmental management plans; and
- g. construction compounds and materials stockpiles are inappropriately located; and
- h. the Environmental Minimum Requirements fail to offer sufficient guarantees that appropriate mitigation will be provided and effects will not be worse than as those assessed.

22) It is generally accepted that placing the proposed railway in a deep bore tunnel would reduce many harms of the kinds detailed in this Petition, but that the construction costs would be increased. However, the cost-benefit balance may be favourable when the harms are very large, there are surface features that would otherwise demand route deviations, and there is high ground that would have needed a deep cutting anyway.

23) Your Petitioners believe an independent cost:benefit analysis would favour a deep-bored tunnel starting to the south of our area at Burton Green in Warwickshire, and continuing through the high ground at Balsall Common to avoid the viaduct across the existing Rugby and Birmingham Railway line and the many injurious affects in Balsall Common and the wider parish of Berkswell. Particularly so where the analysis took account of proper and appropriate compensation that would otherwise be required.

24) Your petitioners request that the design of the proposed scheme in this area should be examined afresh and to take full account of the human and environmental costs/benefits of the proposals and to do so in an open and transparent manner. We

note that despite many requests during the 'engagement processes' of the last four years the relative weightings of the SIFT criteria are still unpublished leading to our belief that decisions could have been made in an inconsistent or even arbitrary manner across different regions of the line, and that really the only factor with real effect is that of construction cost.

25) Your petitioners specifically request that full consideration is given to bored Tunnel proposals already prepared by design engineers on behalf of HS2 Ltd. It is described as 'Option F' within HS2 documents and would solve all of our individual concerns specific to this locality.

26) At the shortest distance from our property to the track it is intended that the track will be enclosed within a short cut and cover tunnel. This will mitigate our noise exposure but as yet it is impossible for us to clarify that exposure. We will still be exposed to noise of trains in each direction at each end of the tunnel and noise from within the tunnel will not be negligible. There is uncertainty in respect of a blast at the tunnel mouth. HS2 Ltd have provided limited noise contour maps. These are based on noise levels averaged over a period and provide little indication of the peak noise exposure as a train passes. They have also not provided the noise contours for noise levels below a value that they have chosen. That value is higher than the noise exposure levels permitted under a new EU directive.

27) If a deep bore tunnel is not created, important mitigation could be achieved through the extension of the cut and cover tunnel through the village. Further through a series of iterations of the plans over time the "altitude" of the track has been raised such that the depth of the cuttings at the approaches to the tunnel has become less deep. This is a trend that will detrimentally impact on noise exposure and should be reversed. The leeway for further amendment of the level of the track allowed within the bill is wholly unreasonable. Approval for the construction should not be given until such fundamental matters are secured in the plans. Clarity and precision in the planning is again a prerequisite to budgetary control.

28) In the most recent proposal, raising of the track level has had the effect of requiring the roof level of the cut and cover tunnel to be raised above the current ground level as it passes through the village. This is wholly unjustified and unreasonable. This has the effect of creating a rise and fall in the road level as Cromwell Lane passes over the top of the tunnel. This will add substantially to road traffic noise and will create a

permanent and serious visibility hazard at the junction between Cromwell Lane and Hodgetts Lane within Burton Green

29) In conclusion, I am sure that there are many further matters that will need to be brought to the attention of the committee. This will include matters of which we are not currently aware. The timescale for the preparation of this petition is unreasonably curtailed given the scale of the bill and its complexity. I am sure that with more time, more issues that require the attention of the committee will become apparent. Further it is possible, indeed likely, that we will be detrimentally affected if the recommendations of some other petitioners are acted upon. We cannot yet know what these might entail. Similarly we cannot know yet what new changes the promoters might bring forward that will cause new effects upon us. Accordingly, as a matter of priority your petitioners ask for an extension to the deadline for the submission of further petition material, for a facility to submit further information and concerns for deliberation by the committee, and for a mechanism to know of and comment upon the amendments to the bill that the committee might be contemplating at any particular time.

30) 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.

31) 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed

A handwritten signature in dark ink, appearing to read 'Dr Paul Thornton', written over a faint, illegible printed name.

Dr Paul Thornton

22 May 2014

A handwritten signature in dark ink, appearing to read 'Dr Sandra Joy Thornton', written over a faint, illegible printed name.

Dr Sandra Joy Thornton

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PETITION OF

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