

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 Mr ROBERT McDONALD

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 Mr Robert McDonald (hereinafter referred to as "your Petitioner"), owner and occupier of Whittington Hill House, Darnford Lane, Lichfield, Staffordshire. Your Petitioner is concerned that his rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 8 *Noise*
- 8.1 Your Petitioner is concerned about the noise impact of the railway once operational. Your Petitioner's home, Whittington Hill House, is situated on a hill overlooking open countryside in a tranquil area, but very close to the intended line of the railway. The railway will cut across the brow of the hill and take an elevated course on either side, exposing your Petitioner's property to high levels of noise and visual blight. Whittington Hill House is recognised in the Environmental Statement to anticipate a major adverse affect from noise from the railway. Your Petitioner has been told that this high noise level is despite mitigation consisting of "false cuttings" within the embankment on either side of the hill. This mitigation is not apparent from a review of all related documentation, but in any case is insufficient to protect your petitioner from excessive noise.
- 8.2 Your Petitioner believes that the most effective solution for noise generally in this region is to lower the height of the railway, and supports an alternative proposal put forward by Staffordshire County Council and others to lower the railway line such that it passes below the A38 and the West Coast Main Line. Your Petitioner notes that HS2 Ltd considered alternatives of this type, and understands in particular that the lower route Option O was assessed by HS2 Ltd on agreed sift criteria to be preferable to the alignment included in the Bill. A lower track alignment would bring significant benefits of reduced

noise and less visual blight for your Petitioner and others in the area. Your Petitioner requests that a lower alignment to take the railway beneath the A38 and West Coast Main Line is reassessed taking full account of all the benefits it would bring.

- 8.3 In addition, the Bill does not clearly define noise mitigation measures in the area of Darnford Lane. Your Petitioner requests greater clarity and reassurance on noise mitigation intentions around his home. Your Petitioner also requests for further mitigation to be provided to reduce the major adverse impact which has been assessed. This should take the form of effective noise barriers, or more effective landscaping.

9 *Access to Property*

- 9.1 Your Petitioner is concerned that access to his property at Whittington Hill House will be made considerably more difficult by the intention in the Bill to reconstruct Darnford Lane at a higher level to cross the railway line and for your Petitioner's access road to join Darnford Lane at a level approximately 3m higher than the current access point. This is shown on drawings relating to Work No. 3/85 and Work No. 3/85A. Approaching from the north, Darnford Lane already has a steep gradient shortly before the access point to Whittington Hill House. The effect of the reconstruction will be to increase this steepness by approximately 3m, with the access road then presenting an immediate steep descent of 3m. This will make access extremely difficult, especially for service vehicles and trailers.
- 9.2 Your Petitioner believes that the best solution is to lower the height of the railway line as it passes below Darnford Lane such that reconstruction of Darnford Lane and the access road is no longer necessary. This could be achieved by lowering the route of the railway in this region as described above in paragraph 8.2. Your Petitioner requests that this option be reassessed, recognising all of the benefits it could bring.
- 9.3 Should this not be possible, your Petitioner requests that the access problem is solved by other means. This may be achieved by moving the access road junction further north to a lower point on Darnford Lane, or by splitting the access road such that two junctions are provided, one to the north using the existing road, and one to the south which uses a longer approach to reduce the gradient.

10 *Construction*

- 10.1 Your Petitioner is concerned about the sheer scale of construction in the area of his property and in particular the quantity of earthworks which are

required to construct the embankments upon which the railway will run. These earthworks necessitate very large material stockpiles which cause dust and pollution concerns, and excessive movements of materials mostly on local roads which are not designed for this purpose. Amongst other examples, your Petitioner is concerned that he and all local residents and businesses will be adversely affected by nearby Broad Lane being used by HGVs for 1550 "average daily combined two-way vehicle trips during busy period and within peak month of activity" (Environmental Statement Volume 2 CFA 22 table 23).

- 10.2 Your Petitioner notes that the scale of earth movement in this area would be much reduced if a lower alignment was adopted as described in paragraph 8.2 above, as high and wide embankments would no longer be required. Your Petitioner requests that this option be reassessed, recognising the full range of benefits it can bring.
- 10.3 In addition your Petitioner believes that much better use can be made of Haul Routes along the railway pathway to move earth and other materials. In particular your Petitioner requests that a Haul Route be constructed to connect Streethay Construction Sidings with the Darnford Lane Overbridge Satellite Compound, to avoid unnecessary transportation by local roads.

11 *Ecology*

- 11.1 Your Petitioner is concerned about the impact the construction of the railway will have on local wildlife habitats, and believes that more should be done to restore favourable conditions locally. In particular your Petitioner requests assurance that all planting will be professionally and independently managed, and that planting will restore a high quality mix of local species of trees and hedgerows within a year of the railway becoming operational.

12 *Loss of Amenity*

- 12.1 Your Petitioner is not a member of nearby Whittington Heath Golf Club but is concerned at the destruction being caused to such an important local and regional amenity. This is a site of historic significance and an important environmental and recreational facility, as well as a very fine golf course.
- 12.2 Your Petitioner requests that more effort be made to protect this amenity. In particular, where possible the railway alignment should be lowered and placed in a cut and cover tunnel. In other areas, sufficient and adequate crossing points should be provided to enable the course to function. The club should be provided every support to redevelop facilities to replace those which are destroyed.

13 *Limits of Deviation*

- 13.1 Your Petitioner is concerned that the Bill provides for the nominated undertaker to deviate track alignment vertically by up to 3m and laterally to the limits marked on maps which, at the point closest to your Petitioner's house, is approximately 43m on either side of the track. Your Petitioner notes that the garden of his property is approximately 78m from the published track alignment and is concerned at any movement higher or closer to his property would have a significant impact on his situation.
- 13.1 Your Petitioner requests that the limits of deviation currently provided for in the Bill are reduced to provide a much more certain outcome.

14 *Compensation*

- 14.1 Your Petitioner notes that minor improvements have been made to the compensation proposals associated with the Bill, but is concerned that these do not come close to addressing the extent of the blight that he and others nearby have and will continue to suffer. Your Petitioner and his family have lived with the blight of HS2 for 4 years already and face many more years of uncertainty ahead.
- 14.2 Your Petitioner requests that the Bill is amended to ensure that your Petitioner and others living outside the safeguarded area who are seriously and adversely affected by the construction and operation of the railway are able to claim compensation that more adequately reflects their blight.

15. 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.

16. 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.

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

YOUR PETITIONER 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 such of the clauses and provisions of the Bill as affect 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



Robert McDonald

