

**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: STEPHEN JOHN SMYTHEMAN and ALISON SMYTHEMAN

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. Your Petitioners, in a private capacity, reside at Woodland Cottage, Sandy Lane, Whittington Lichfield Staffordshire WS14 9PB.  
The property is accessed by a Bridlepath, which is referred to incorrectly, by HS2 as a footpath. The property is 250 metres from the land identified for current purchase, and immediately abuts land required during construction.

Your Petitioners have resided at the above premises since August 1999, a significant period before the concept of the project was made and there are no grounds to believe that we could have purchased this property with any knowledge of the project. The premises have access via a bridlepath (footpath 17)( Hs2 map Books,CFA 22 November 2013 ES 3.2.2.22 Map number CT-05-123b; and is set in a wooded area. The bridlepath is a single track, with no passing places. It is part of a scheduled service for refuse collection, postal deliveries and expectations of access to private premises. The current bridlepath (footpath 17) is owned by Staffordshire County Council as a public right of way, with land immediately abutting on both sides owned by Whittington Heath Golf Club. As the bridlepath (footpath 17) nears Lichfield Road this path crosses Footpath 16. This footpath 16, is equally "owned" by Staffordshire county Council and abutted by land owned by Whittington Heath Golf Club. Most of footpath 16, as it crosses the Golf course, is permanently removed for the line. Where it meets the bridlepath of Sandy Lane (footpath 17) it is to remain, and is the proposed diversion access. I understand legal notices have been served

on this golf club for the purchase of their land for this project. My submission does not require the purchase of additional land that will adversely affect their right, but does petition for that land to be used in a specific way with legal undertakings to ensure like for like replacement is obtained. Our right to reside and access this property is currently directly affected by the proposal. There is no acceptable alternative offered. We have had no direct or indirect contact with or from HS2 or any project managers, save an access request for surveys, which was granted but not exercised.

Your Petitioners premises will not be demolished, but due to severe restrictions on access will receive significant blight for an extended period during construction, and permanent blight from noise and access after completion. The current ambiguous proposals mean we would struggle to reside there during the period of building.

8. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your Petitioners raise ten specific reasons for objecting to the current plans:
  - 9.1 Your Petitioners are concerned about Legal Access - The bill specifically includes the right under clause 51 and 52 for nominated persons to have right of entry to my property, yet gives no protection of our right of entry to the same property.
  - 9.2 Your Petitioners are concerned about practical access – The Bill includes the closing by the “stopping up” of Sandy Lane Bridlepath (footpath 17), which is a single track bridlepath, with vehicular access to my property. The alternative suggested is neither feasible or acceptable. It offers the diversion of footpath 16 as the new permanent access, with no detailed plans or consultation to suggest that this will be suitable in the short or long term. It does not provide for the construction of this new access route to be completed in full, including remedial hedgerow work, before the permanent closure of bridlepath (footpath 17) or the construction of the overbridge at Lichfield Road. HS2 repeatedly fail to get the name of the road correct on maps, and have given no undertakings that this route will remain open both for private vehicles, or service vehicles such as refuse collection and does not acknowledge that such access is a basic and legal undertaking.
  - 9.3 Your Petitioners are concerned around Noise Blight from the inadequately planned access route is through centuries old woodland. The plan at this point is for an elevated section, and so noise blight is significant, disputed, and recorded on HS2 maps. The plans do not offer any details around which wooded area of established

trees are to remain and which are to be destroyed. These trees need to remain as they will offer very limited mitigation around noise. Under the current proposals HS2 could remove all of these with no requirement to replace or manage.

- 9.4 Your Petitioners are concerned around the increased noise blight outside the premises. Maps SV-05-61b suggest noise increase of 5-10db. It is not feasible to accept this. At present our loudest ambient noise is from birdsong. The current plan to build this project above ground, at a height in the region of 15 mtrs, with no noise barriers between the petitioners premises and the line, is not consistent with such a predicted increase.
- 9.5 Your petitioners are concerned around the increased noise blight inside the premises. No measurements have been taken. It will not be possible to measure or mitigate any increase in noise by way of replacement windows or other measures without establishing a baseline prior to commencement of works.
- 9.6 Your Petitioners are concerned around Visual Blight. HS2 have refused, without reason, a tunnelling option for this area as supported by Staffordshire County Council, Lichfield District Council, Whittington and Fisherwick Parish Council, and our current Member of Parliament. The current proposal is some 15 Metres above ground level. There is no mitigation for this visual or noise blight to the rear of our premises. Further visual blight is recorded in the Community Forum area report, CFA 22 ES 3.2.1.22 para 9.5.46 (views from Whittington Footpath 17 Sandy Lane) p 191
- 9.7 Your Petitioner is concerned around the visual blight caused by the proposal to vary the height of the line, in that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaker can deviate vertically upwards not exceeding three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans. Your Petitioner is concerned that these deviations could potentially make significant differences to the impacts of the construction and operation of the high speed railway and associated development, for example by raising the track height to the detriment of the amenity of the landscape. These potential environmental impacts are not adequately addressed in the environmental statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures to reduce adverse environmental effects provided it does not add unreasonable cost or delay to the construction and operation.
- 9.8 Your Petitioners are concerned around the visual blight caused by the new access route to the premises. The current vague option to divert Bridlepath (footpath 17) into footpath 16 does not give any details as to the fencing at the point of "stopping up" There has been no consultation on the fencing to be applied. In the absence of such then HS2 would be free to replace this woodland and hedged area with metal

railings, further reducing the value of our home, causing depreciation to the area, and further visual blight.

9.9 Your Petitioners are concerned around the surface of the new access route. The current outlines state a like for like construction. There are no statutory undertakings on this construction, or on its maintenance.

9.10 Your petitioners are concerned around the safety of the new access route. The current realignment, when eventually open, will cause a danger to traffic. Where vehicles are waiting to turn into the new access route they will be stationary on the apex of a hill, on a bend, and subject to 60MPH traffic, with no safety pull in. It will under current vague plans allow for the route to the Petitioner's premises to be blocked at will for either construction or private traffic. It will not maintain its status as a useable bridlepath. It will not be, a like for like replacement under any interpretation.

10. Your Petitioner asks that the select Committee order that the nominated undertaker agree the necessary changes before works design and construction strategies have been finalised or construction contractors employed. Specifically Your Petitioners request:

10.1 Your Petitioners request that the bill includes lawful vehicular access to Woodland Cottage Sandy Lane Whittington Lichfield Staffordshire WS14 9PB is provided along the newly formed bridlepath(footpath 16 and 17) to permit for access and egress to and from the petitioners premises via the entrance from Lichfield road Whittington.

10.2 Your petitioners request that the completion of the diversion of bridlepath (footpath 16 and 17) is made fully and operational before any construction of the overbridge at Lichfield Road commences. That due to the surface of the new route, that once in place, construction traffic is specifically prohibited from use of this new route.

10.3 Your petitioners request that the formation of the new access routes specify which trees and hedgerows are to be removed, that they are the minimum absolutely necessary for construction, and that the exact numbers are replaced in the immediate area. A professional maintenance contract at public expense to be provided for a 60 year duration of this planting.

10.4 Your petitioners request specific measurements be taken of the current ambient noise from the nearest outdoor point of their premises to the proposed

construction, and at public expense. Further that the measurements are taken of all four seasons, and those unredacted results are disclosed in full at public expense to the petitioners.

10.5 Your petitioners request specific measurements be taken of the current ambient noise from inside of their premises, and at public expense. Further that the measurements are taken of all four seasons, and those unredacted results are disclosed in full at public expense to the petitioners.

10.6 Your petitioners request that in order to reduce noise and visual blight that the section covering Whittington Heath Golf Club through Lichfield Road, to and beyond the intersection with the West Coast Main Line be placed in a tunnel, as detailed proposed by Community Forums, County and local Councils, and the elected member for the Petitioners constituency.

10.7 Your Petitioners request that the provisions in the Hybrid bill to allow deviation upwards should be deleted.

10.8 Your Petitioners request that provision be made to mitigate the visual blight caused by the fencing at the edge of the proposed line. It is requested that regardless of the preferred fencing by HS2, whether for security, noise or other reason, that between this fencing and the newly diverted bridlepaths (footpath 16 & 17) there be provided a screening hedgerow. It will be planted and maintained at public expense for a 60 year period.

10.9 Your petitioners request that details of the surface of the newly formed access route to be agreed. It should be a like for like construction which is capable of standing the wear caused by both private and commercial (refuge) vehicles. Specifically the bend created by this proposal where path 16 joins 17, should be sufficiently constructed. The current path does not have such bends and so like for like may not be sufficient construction. Your petitioners further request that the legal status of the land be that of a bridlepath ( with safeguarding as at para 10.1) Correspondence from Staffordshire County Council 3.1.2006 confirms that this route should NOT be added under S36 Highways Act 1980 as a road under the normal interpretation, and further that its surface should not be of tarmacadam or similar.

10.10 Your petitioners request that the newly formed route is of sufficient safety standard to prevent injury or harm to its users. Specifically that, as the current bridlepath (footpath 17), that its mouth with Lichfield Road be sufficiently wide to allow for two vehicles to pass, so that a vehicle may enter from Lichfield road whilst one is waiting to emerge without danger. Further that once the mouth of the

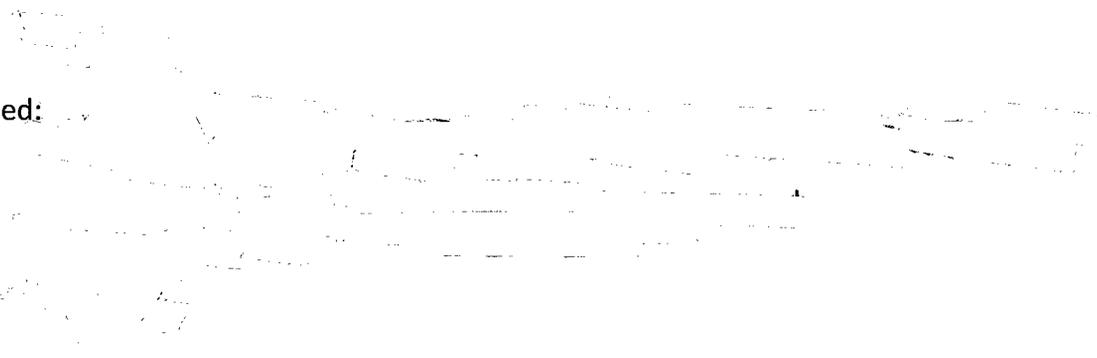
junction is clear, that the new path be sufficiently wide only as a single track with no new passing places ( as per the section stopped up), and that it be sufficiently bordered by natural ground and hedgerow only but so as to prevent persons using land adjacent from walking into the newly formed route.

11. 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.
  
12. 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:



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