

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 Whittington and Fisherwick Parish Council.

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 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.” It is understood that the requirement for a junction with the Channel Tunnel Rail Link is to be removed by ordered amendment.
2. The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, Mr Chancellor of the Exchequer, and Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey and Mr Robert Goodwill.
3. The Bill clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 37 to 42 of the Bill establish a regulatory regime for the railway transport system, clauses 43 to 46 of the Bill deal with nominated and statutory undertakers and other Phase One function-holders, clauses 47 to 48 provide provisions for Regeneration and reinstatement, clauses 49 to 52 address Further high speed rail works, including powers for the Scottish Ministers, clauses 53 to 56 concern matters pertaining to The Crown, clauses 57 and 58 provide for administration of deposited plans and sections, clauses 59 to 61 contain miscellaneous and general provisions, and the remaining clauses 62 to 65 contain interpretation of words and terms used in the Bill, financial provisions, commencement day and short title of the Bill.

4. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker"). Your petitioners are the Whittington and Fisherwick Parish Council (hereinafter referred to as the Petitioners). The Bill would authorise the construction and operation of the railway system and its associated development through Whittington and Fisherwick County Parish and your petitioners object to the part of the works outlined below.

5. Objection is taken to the works proposed to be undertaken in Whittington and Fisherwick from the A51 Tamworth Road northwards, bisecting Whittington Heath golf course, partly in cutting and partly embanked, the Lichfield Road overbridge, intervening embanked farm land, the Darnford Lane shallow cutting, intervening farm land, the Cappers Lane viaduct, intervening embanked farm land, the Broad Lane and West Coast Main Line overbridges (Fulfen viaduct), intervening farm land and the South Staffordshire rail line and A38 overbridge (Streethay viaduct). These objections concern Schedule 1 of the Bill. The works proposed are shown on plans numbered CT-05-123 to 125 and CT-06-123 to 125 and relevant subsets included in Map books forming part of section 3.2.2.22 of the November 2013 Environmental Statement. The objections are generally to protrusion of bridging and other structures above the landscape, most of which has protected greenbelt status, associated adverse acoustic impacts and the use of Cappers Lane, Broad Lane and Darnford lane as construction traffic routes. Your Petitioners offer alternative constructions to achieve the objectives of the works. Your petitioners would object to a change of site or any movement of the route closer to Whittington and Fisherwick County Parish residences.

6. Your petitioners are Whittington and Fisherwick Parish Council on behalf of the residents of Whittington and Fisherwick County Parish which has some 950 households of which a significant number of residences and farms may be directly and adversely affected by the high speed railway. All will be affected by increased traffic on highways during the construction period.

Whittington Heath golf course and A51 underbridge

7. Objection is taken to the track alignment proposed from the south side of and passing under the A51 Tamworth Road, bisecting Whittington Heath golf course, partly in cutting and partly embanked, before emerging onto the Lichfield Road (ex Whittington Common Road) overbridge. Your petitioners propose that the track be lowered so as to facilitate the construction of a cut and cover tunnel through most of the golf course, its southern portal being formed on the south side of the A51. Besides simplifying the extent and nature of the road bridge works required in this location this would radically improve the future viability of this historic golf course - which current proposals would irreparably compromise - and obviate the need for a tunnelled footpath/maintenance access between the two halves that would be created by the construction of the rail line. It would also maximise opportunities for maintaining and enhancing the existing woodland habitat (designated as a County value Local Wildlife Site) within the course, removing the need to create a new site -

at best a long term prospect – opposite Defence Medical Services Whittington as is currently proposed. The selected route would also entail the destruction of the listed clubhouse and associated facilities. Your petitioners expect the nominated undertakers to enter into constructive discussion with golf club members and administrators as a prelude to replacing those lost facilities to an acceptable standard in an agreed alternative location prior to work starting on constructing the railway.

Lichfield Road overbridge and environs

8. Objection is taken to the excessive height of the proposed bridge works (the track bed would be approximately 10m (32') above existing road level with gantry structures adding a further 7.5 - 8m (24' - 26') and to the substantial scale of the embankment works linked to it which would dominate one of the main approaches to the village and, requiring land take of up to 200m wide, utterly overwhelm nearby residential properties. Your petitioners maintain that by adopting the lower alignment across the golf course referred to in clause 7 above it would be feasible to reduce the height of the bridge to road vehicle clearance norms (adjusting existing road levels if appropriate) and significantly reduce embankment heights and widths, consequently lessening the amount of land take and quantities of imported spoil required for their construction. This would be of mutual benefit to both the local community and the nominated undertaker.

9. Your petitioners are also concerned at the adverse effect the proposed works would have on access for residents living on Sandy Lane (a bridle way that skirts the north eastern fringe of the golf course before joining Lichfield Road where the rail overbridge to be constructed would cross). It is acknowledged that diversion proposals have been put forward, but your petitioners would request that the nominated undertaker be required to give a firm undertaking that these would be put in place before bridge and related works start.

Darnford Lane cutting and associated re-alignment works

10. Your petitioners object to the shallowness of the cutting and the extensive and related road diversion and bridge works proposed for what is essentially a single track rural lane to achieve this alignment. Significant embankment works would adversely affect access to nearby residential properties, with the revised arrangements currently proposed requiring gradients that are excessive in both visual and functional terms. Your petitioners aver that by adopting a lower track bed level the extent and complexity of the re-alignment and bridge works can be significantly reduced with the added benefit of reducing adverse visual and noise impacts on adjacent properties. This last aspect is considered further under clause 17 Noise Mitigation Proposals.

Cappers Lane viaduct, Broad Lane overbridge and associated abutments and embankments

11. Your petitioners object to the excessive scale and height of the bridge and viaduct structures and associated earthworks proposed which are dictated by the requirement to carry the high speed railway over the West Coast Main Line, South Staffordshire railway and A38 road embankments. The track bed would be 13-14m

(43' - 46') above road level and the related embankments over open farm land of similarly dominant scale requiring a land take of up to 280m wide to construct. Mill Farm would be adversely permanently affected in both visual and acoustic terms and would be virtually surrounded by works activity during the construction phase with satellite construction sites proposed immediately adjacent to the farm house and associated buildings (including the converted mill building) on both east and west sides.

12. Your petitioners aver that these severe adverse impacts (both during construction and in the longer term) can be signally lessened by adopting a lower alignment consistent with passing below the West Coast Main Line, South Staffordshire railway and A38 embankments rather than above as currently proposed. It is acknowledged that this may entail some re-alignment works on Cappers Lane and to the Wyrley and Essington Canal, which would require dialogue with Staffordshire County Council and the Canal Restoration Trust to establish the scope of works needed. Similarly a road bridge could replace the Broad Lane overbridge with suitably profiled approaches to accommodate the lowered alignment.

West Coast Main line South Staffordshire railway and A38 embankment crossings

13. Your petitioners object to current proposals to carry the high speed railway over the West Coast Main Line, South Staffordshire railway and A38 embankments, regarding the proposed alignment as unacceptably intrusive in visual, environmental and acoustic terms. Your petitioners aver that it is entirely feasible to tunnel under the embankments to permit the line to pass below them and cite the recently completed West Coast Main Line 4 tracking project as evidence, where cutting and bridging works were carried out with minimal disruption. This work could with advantage be co-ordinated with the substantial modifications planned for the WCML and the South Staffordshire railway to service the 23 hectare Streethay construction site.

14. Adopting this lowered alignment would also obviate the need for expensive and time consuming diversion of high voltage power lines that cross over the WCML in the path of the high speed line and replace the visually intrusive embankment bisecting the Streethay site with a cutting. This would appear to have benefits for the construction phase and in the longer term would significantly reduce visual impacts on the nearby Coventry canal (widely used for leisure and recreational activities), Fulfen Wood, Hill Farm and the grade II listed Streethay Manor. Maintaining this lower alignment would also mean that the proposed grade separated junctions at Streethay (Manchester link) and Handsacre (WCML link) could be reduced in height and visual impact with concomitant benefits for residents in those localities.

Construction Access Routes

15. Your petitioners object to proposals to route construction traffic along more easterly stretches of Cappers Lane and all of Lichfield Road, (ex Whittington Common Road) and Darnford Lane as they are totally unsuited for such traffic, being restricted in width and containing acute junctions and bends. Your petitioners aver that it would be feasible to gain access using the existing haul road entered from Cappers Lane immediately adjacent to the A38 embankment previously used for the West Coast Mainline 4

tracking project – that is directly entering the area currently designated as the Cappers Lane Main Compound. Access to the 23 hectare Streethay Construction Compound can then be effected through an opening formed in the West Coast Main Line embankment. From there all access to the works should be via haul roads directly following the line trace.

Timescale for construction compounds remaining in use and subsequent restoration proposals

16. Your petitioners are concerned that the planned 6 year timescale for the major construction compounds to remain in use during phase 1 works may be extended to encompass phase 2 (Manchester link) works, implying that the disruption to which the community will unavoidably be subjected could continue for upwards of 10 years. Your petitioners object to the lack of clarity in the current proposals and ask that clear statements of intent are provided by the nominated undertaker setting defined time limits for both construction related activity and the subsequent restoration proposals, which should be sufficiently comprehensive in nature to suit all interested parties. Your petitioners further object to proposals for construction workers to be housed on site for the duration of the contract. It is your petitioners' view that they would be better housed in the local community whenever possible.

Noise Mitigation proposals

17. Your petitioners are concerned about the lack of clarity over and positive commitment to carrying forward measures outlined in current proposals in generalised terms. These concerns encompass the nature and extent of sound barriers, particularly in the Darnford Lane area; the lack of a clear undertaking to ensure all properties identified as adversely affected will not be subjected to night time noise levels in excess of 40 dba; and the lack of clear distinction between locations where noise mitigation would depend purely on land profiling and areas where this would of necessity be supplemented by noise barriers. Your petitioners aver that lowering the track alignment as described in foregoing clauses would materially assist in containing sound levels within acceptable limits, potentially reducing the requirement for visually intrusive noise barrier fencing.

Landscaping Ecology and Visual Intrusion

18. Your petitioners are concerned about the lack of a clear landscape strategy in the proposals. Your petitioners maintain that they should be more broadly framed and with greater ambition than simply providing for screen planting along specific sections of the route through our community. Beside exploiting topography more fully to set the line comfortably within the landscape there should be a clear focus on promoting biodiversity, for example by establishing hedgerows along potentially unsightly fence lines and acoustic barriers. Reference has already been made to the potential for Whittington Heath golf course in this connection, but there are other opportunities to be grasped such as creating wildlife habitats within and corridors along the fence line hedgerows referred to above.

Compensation proposals

19. Your petitioners, whilst welcoming recently announced potential changes to compensation arrangements aver that, in the interests of fairness and equity, their scope

should be expanded to include owners with properties in close proximity to and land holdings directly affected by the selected route. This applies not only to properties that have been blighted since the route was announced (and will remain so following parliamentary approval of the Hybrid Bill on 28 April 2014), but also farming and other interests whose businesses will be disrupted and turnover reduced. As this is of particular relevance to the western fringes of Whittington through which the line will pass, we request that the nominated undertaker be asked to fully address these deficiencies.

Permitted Deviation

17. Your petitioners object to SCHEDULE 1 SCHEDULED WORKS *Construction requirements* 1 (2) (c) which permits an upward deviation of the works by up to 3m from the deposited sections. Your petitioners are concerned by the effect upon the landscape of Whittington County Parish and in particular the consequential effects of such an upward deviation along embankments, viaducts and bridge structures which characterise most of the construction works now proposed within Parish boundaries. Your petitioners propose a downward deviation generally to mitigate visual and acoustic intrusion along its entire length and specifically to permit the railway to pass below the existing West Coast Main Line and A38 embankments instead of above as deposited sections currently show.

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.



BACK SHEET

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PETITION OF WHITTINGTON AND FISHERWICK PARISH COUNCIL

AGAINST, By Counsel, &c.

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