

The House of Lords Select Committee Petition Against the High Speed Rail (West Midlands – Crewe)

The Petitioner

William Peter Murray – Windermere, Birch Tree Lane, Whitmore Heath, Newcastle, Staffordshire, ST55HE

My life will be seriously compromised by the construction of HS2 to the extent that living at my property, Windermere, Birch Tree Lane will not be tenable.

Given health problems, then the ability to walk into Baldwins Gate and to catch the bus is important. Construction work widening and realignment of Snape Hall road will adversely affect my ability to walk into Baldwins Gate, as will construction traffic using the widened Snape Hall Road once the widening is completed.

Snape Hall Road is tranquil: the walk is easy and pleasant – the footpath at the top of Birch Tree Lane provides an often used alternative to Snape Hall Road. This alternative will be adversely affected by the construction of HS2 and, in all probability, the operation of HS2. At present this too is a tranquil and pleasant walk to the bus and into the village.

The bottom of Birch Tree Lane is scheduled to be incorporated into a widened Snape Hall Road. Birch Tree Lane is a private lane owned and maintained by the people who live on Birch Tree Lane. It leads to my home, Windermere. HS2 in their proposals do not pay due regard to the very steep alignment of Birch Tree Lane which will make the proposed works more difficult and will result in an even steeper alignment which will make my walking all the more difficult, perhaps no longer viable.

There are very genuine doubts as to whether my house will survive the building of HS2. There is an extensive void between properties "Windermere", "Sandy Ridge" and "Ravenswood" from which sand was once quarried. This void is, in itself, sand and shows clear signs of instability. HS2 have bore hole evidence that Whitmore Heath is sand but steadfastly refuse to disclose this evidence. It is most unlikely that this void will survive the building of HS2 and every chance my home will suffer as a result. HS2 do not recognise the extent of this void, nor do they recognise the very steep alignment of this void.

Local surveyors/estate agents say that Windermere is unsaleable. I am told that a fee of £5,000 or so would see the house put on the market with no chance of a buyer – or even a viewing. "Worthless" is a word that has been used as is "unmortgageable": this is in marked contrast to the ease with which Whitmore Heath houses were sold before HS2 was announced.

My life and my future are blighted by HS2, as will be my health. In the last 12 months or so there has been a marked change in my health, a change I could have lived with but for HS2. Quite simply, I want to move, just to get away from HS2 and for no other reason. I do not want to stay living in Windermere until the construction of HS2 forces me out.

HS2 have made it abundantly clear that as far as HS2 is concerned – I quote "... Neither the construction nor the operation of the railway is *expected* to give rise to to any significant degree of disturbance or diminution in value." This is demonstrably not true.

In Summary

> My life and my future are adversely affected by the construction of HS2, and in all probability by the operation of HS2, as will be my health.

> As things stand, I will be forced to leave my house by HS2 and I wish this to be recognised, and that this to be regarded as Blight.

> My ability to walk into and out of Baldwins Gate, untroubled will stop because of HS2 to the extent that I will become isolated, near housebound because of HS2 and for no other reason. I ask that the Lords' Select Committee recognises the situation that I find myself in is not of my making and that my house and my life are blighted by this High Speed Rail – and HS2 needs to accept this to be true, and to be Blight.

14th August 2019

September 2019

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF LORDS
SELECT COMMITTEE**

**Petition No. HS2-HOL-036:
Mr William Peter Murray**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-HOL-036, from Mr William Peter Murray.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2A Information Papers referred to in the response can be found at
<http://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

Mr Murray is the owner of 'Windermere', Birch Tree Lane, Whitmore Heath, which is close to (but not above) the proposed route of the twin bore tunnel under Whitmore Heath, approximately 100 metres to the North East. Windermere is approximately 150 metres from the northern tunnel portal. Access to the property is via Birch Tree Lane, a private road leading off Snape Hall Road (a public highway). There are no works scheduled on Birch Tree Lane, while Snape Hall Road is due to be widened to the west of the properties.

In May 2018 the Petitioner was sent a Promoter's Response Document (PRD) for their Petition against the Bill (Petition No. HS2-P2A-054), a copy of which is attached at Annex A. The Petitioner appeared before the House of Commons Select Committee on 21 May 2018.

PETITION NO. HS2-HOL-036

MR WILLIAM PETER MURRAY

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ATTACHMENTS

Title	
Annex A	Promoter's Response Document for House of Commons Petition No. HS2-P2A-054
Annex B	Summary assessment of ground conditions for Whitmore Heath Tunnel

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Mr William Peter Murray

PETITION NO: HS2-HOL-036

PARAGRAPH NO: 2 – 4, 9, 11

ISSUE RAISED: Construction on and around Whitmore Heath

PETITION PARAGRAPH: 2. Given health problems, then the ability to walk into Baldwins Gate and to catch the bus is important. Construction work widening and realignment of Snape Hall road will adversely affect my ability to walk into Baldwins Gate, as will construction traffic using the widened Snape Hall Road once the widening is completed.

3. Snape Hall Road is tranquil: the walk is easy and pleasant — the footpath at the top of Birch Tree Lane provides an often used alternative to Snape Hall Road. This alternative will be adversely affected by the construction of HS2 and, in all probability, the operation of HS2. At present this too is a tranquil and pleasant walk to the bus and into the village.

4. The bottom of Birch Tree Lane is scheduled to be incorporated into a widened Snape Hall Road. Birch Tree Lane is a private lane owned and maintained by the people who live on Birch Tree Lane. It leads to my home, Windermere. HS2 in their proposals do not pay due regard to the very steep alignment of Birch Tree Lane which will make the proposed works more difficult and will result in an even steeper alignment which will make my walking all the more difficult, perhaps no longer viable.

9. My life and my future are adversely affected by the construction of HS2, and in all probability by the operation of HS2, as will be my health.

11. My ability to walk into and out of Baldwins Gate, untroubled will stop because of HS2 to the extent that I will become isolated, near housebound because of HS2 and for no other reason. I ask that the Lords' Select Committee recognises the situation that I find myself in is not of my

making and that my house and my life are blighted by this High Speed Rail — and HS2 needs to accept this to be true, and to be Blight.

PROMOTER'S RESPONSE:

Widening of Snape Hall Road

1. The widening of Snape Hall Road will not close the road to pedestrians or traffic. This would be carried out with fewer than ten HGV movements per day and the road would be widened to the west away from the properties. This does not require any land from the properties of Whitmore Heath along Snape Hall Road. The works are scheduled to last for six months from 2021 to 2022.

Works on Heath Road

2. The works on Heath Road are for the diversion of a gas main. The works are minimal and are scheduled to last for six months from 2021 to 2022. The road will remain open to pedestrians during this time as well as to local traffic. No land is being acquired from the residential properties on Heath Road.

Description of the scheme as revised by the second Additional Provision to the Bill (AP2) in the House of Commons

3. Snape Hall Road, on the northern side of the HS2 route, will be permanently stopped up to vehicular traffic at the junction with Dab Green Lane, but will be retained as accommodation access only. The turning head to the north of the HS2 route will be removed. A new public right of way, Whitmore New Footpath, will be provided between the turning head to the south of the HS2 route and Dab Green Lane, via the stopped-up section of Snape Hall Road. The total length of Whitmore New Footpath will be approximately 670m, comprising 320m of new footpath around the portal, and 350m that follows the stopped-up section of Snape Hall Road.

Construction airborne noise

4. Airborne noise may be caused by construction activities such as demolition, earthworks, viaducts, bridges, road realignments, station construction, utility works and track works.

5. Best practicable means (BPM) as defined by the Control of Pollution Act 1974 and Environmental Protection Act 1990 would be applied during construction to control noise.

6. Measures to control noise would be applied in the following order; selection of quiet and low vibration equipment, review of construction methodology to consider quieter methods, location of equipment on site, control of working hours, the

provision of acoustic enclosures, the use of less intrusive alarms, local screening of equipment, and perimeter hoarding.

7. Where, despite the implementation of BPM, the noise exposure exceeds the criteria defined in the draft Code of Construction Practice (CoCP), noise insulation or ultimately temporary rehousing would be offered in accordance with the noise insulation and temporary re-housing policy set out in HS2 Phase 2A Information Paper E13: Control of Construction Noise and Vibration.

8. Contractors would undertake and report such monitoring as is necessary to assure and demonstrate compliance with all noise commitments. Monitoring data would be provided regularly to and be reviewed by the nominated undertaker. This data would be made available to the local authorities.

9. Contractors would be required to comply with the terms of the draft CoCP and appropriate action would be taken by the nominated undertaker, as required, to ensure compliance.

10. This is explained further in HS2 Phase 2A Information Paper D3: Code of Construction Practice and HS2 Phase 2A Information Paper E13: Control of Construction Noise and Vibration.

Additional bus services

11. The Promoter does not anticipate that there would be substantial impacts on scheduled bus services. The impact of construction works on traffic has been assessed in the Community Area reports in Volume 2 of the Environmental Statement (ES). It is not expected that the construction of the Proposed Scheme would require any major bus route diversions, as temporary road closures will generally be either relatively short or occur at night when bus services would not be operational. There are no significant effects expected on bus services.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Mr William Peter Murray

PETITION NO: HS2-HOL-036

PARAGRAPH NO: 5, 8

ISSUE RAISED: Engineering findings

PETITION PARAGRAPH: 5. There are very genuine doubts as to whether my house will survive the building of HS2. There is an extensive void between properties "Windermere", "Sandy Ridge" and "Ravenswood" from which sand was once quarried. This void is, in itself, sand and shows clear signs of instability. HS2 have bore hole evidence that Whitmore Heath is sand but steadfastly refuse to disclose this evidence. It is most unlikely that this void will survive the building of HS2 and every chance my home will suffer as a result. HS2 do not recognise the extent of this void, nor do they recognise the very steep alignment of this void.

8. HS2 have made it abundantly clear that as far as HS2 is concerned — I quote "... Neither the construction nor the operation of the railway is *expected* to give rise to any significant degree of disturbance or diminution in value." This is demonstrably not true.

PROMOTER'S RESPONSE:

Ground conditions

1. The Promoter has completed appropriate assessments to confirm that the ground conditions beneath Whitmore Heath are suitable for the tunnelling operations planned during construction of the Proposed Scheme.

2. With the benefit of ground investigations (GI) data the Promoter has confirmed the assumptions underpinning the tunnel design. The report 'Summary assessment of ground conditions for Whitmore Heath Tunnel' (a copy of which is attached at Annex B¹) was initially published in June 2018 with the benefit of draft GI information, and

¹ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791686/C861-ARP-GT-REP-WS06-000001_Summary_Assessment_of_Ground_Conditions_Whit...pdf.

then revised and published again in February 2019 using the final GI results. Both versions of the assessment were provided to the Petitioner in hard copy. The report includes the bore hole data in Figures 4 and 5 (see Figure 4, 'Cross Section along the Tunnel alignment' and Figure 5, 'Cross Section perpendicular to Tunnel alignment').

3. The GI at Whitmore Heath has not altered the assumptions on ground or groundwater conditions based on the original desk study assessment that informed the design of the Whitmore Heath tunnel. The ground conditions confirm that a range of options could be adopted for the construction of the proposed tunnel.

4. The assessment also confirmed that localised variation in topography due to the abandoned gravel pits does not influence the outcome of the tunnel design assessment due to both the depth and the alignment of the tunnel.

Settlement

5. In relation to concerns regarding settlement, the Promoter refers to the response in paragraph 16 on page 7 of the PRD issued in May 2018 (a copy of which is attached at Annex A). The Promoter has also developed a draft Settlement Deed, which is available to the owner of a building upon request. The qualifying criteria are set out in HS2 Phase 2A Information Paper C14: Ground Settlement. As the Information Paper explains, once finalised "the Secretary of State will require the nominated undertaker concerned to enter into a deed in substantially the form of the final version of those terms, in accordance with the procedures set out in the qualifying criteria, with eligible owners complying with those procedures".

6. The Petitioner would be able to benefit from the procedures set out in this response, the PRD issued in May 2018, and HS2 Phase 2A Information Paper C14: Ground Settlement, without entering into a Deed.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: Mr William Peter Murray

PETITION NO: HS2-HOL-036

PARAGRAPH NO: 6, 7, 10

ISSUE RAISED: Blight and property schemes

PETITION PARAGRAPH: 6. Local surveyors/estate agents say that Windermere is unsaleable. I am told that a fee of £5,000 or so would see the house put on the market with no chance of a buyer — or even a viewing. "Worthless" is a word that has been used as is "unmortgageable": this is in marked contrast to the ease with which Whitmore Heath houses were sold before HS2 was announced.

7. My life and my future are blighted by HS2, as will be my health. In the last 12 months or so there has been a marked change in my health, a change I could have lived with but for HS2. Quite simply, I want to move, just to get away from HS2 and for no other reason. I do not want to stay living in Windermere until the construction of HS2 forces me out.

10. As things stand, I will be forced to leave my house by HS2 and I wish this to be recognised, and that this to be regarded as Blight.

PROMOTER'S RESPONSE:

Blight

1. The Petitioner has previously raised concerns relating to his fears around generalised blight in his petition against the Bill in the House of Commons (Petition No. HS2-P2A-054). The Promoter provided a detailed response on this matter in the PRD issued in May 2018 (a copy of which is attached at Annex A).

2. The Promoter does not consider it appropriate for those living above or near deep bored tunnels to be eligible for the full range of compensation schemes for Phase 2A. However, it is accepted that owner-occupiers of properties above deep-bored

tunnelled sections of the route should be given the opportunity to make a case under the Need to Sell scheme.

3. The House of Commons Select Committee heard evidence on this matter and did not make any recommendations on the issue in any of their Special Reports. As confirmed during that hearing, the Promoter has already acquired a number of properties on Whitmore Heath.

4. The Petitioner is referred to the PRD issued in May 2018 for information on the HS2 property schemes which are open to him. The Petitioner has been offered a number of meetings to discuss a Need to Sell scheme application in the past, and the Promoter remains happy to meet the Petitioner to discuss making an application.