

Mr Charles Nicholas
Poulter. On Behalf Of
Mr Ronald Poulter

Statutory Objector.

Date 10/07/2023
Our ref Charles Poulter.
Your ref TWA/22/APP/03
Telephone [REDACTED]
Email address [REDACTED]

BY EMAIL:-



Dear Mr Dean

PROOF OF EVIDENCE In Support OF MR Ronald Poulter Objection to the Network Rail (Church Fenton Level Crossing Reduction Order).

Please find attached our Proof of Evidence along with related documents.	Attached Documents:- APPENDIX 1 – FOI Request Between NR and HS2
Please include the documents submitted with Statement Of Case as further evidence which my also be cross -referenced in our evidence	APPENDIX 2– Emails Between NR and HS2 APPENDIX 3 Email to Alex Dillistone APPENDIX 4 Email to Penny Carter
	APPENDIX 5 Enlarged Map 151666-TRA-91-CFM-REP-W-EN-00006 Zone boundaries. Letters of support from ALL close neighbours (6)

OUTLINE OF PROOF OF EVIDENCE (SECTION 1)

1. It is my intention to show in my evidence that the applicant has used incorrect and outdated information in order to pursue the easiest rather than best position of the access road to the new road bridge in connection to the scheme.
2. In addition I will show that the applicant has failed to liaise and communicate with the most affected local residents.
3. In addition I will show that the scheme will severely impact my parents right to peace and quiet in their home as protected by European law, and that Network rail have not adequately addressed these concerns in their response.
4. Network Rails submission fails to comply with The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (The application Rules) in that they they have failed to present a true and accurate Environmental Statement and are in breach of The Environmental Impact Assessment Directive 2011/92/EU Point 12 , Article3 (a).

SECTION (2) PLACEMENT OF ACCESS ROAD CONSULTATION WITH HS2

In Mr Ronald Poulter's initial objection submitted on 25th August 2022, we stated that it was not necessary for the road to be placed so close to my parent property as there was plenty of land to the west which would be a much better position, running along the existing field boundary. It would create a less visible eyesore as the western edge of the new road would already be well shielded due to the substantial wooded area behind Norwood. It would be advantageous to the residents around Willow Farm as it would take the entrance a little further away and would improve the safety as the entrance would be further away from businesses and residential properties. At a meeting NR stated that this would take it nearer to Norwood, This is true but Norwood is currently owned by HS2 , unoccupied and falling into a state of disrepair. If Norwood was ever to be occupied the purchaser would already be aware of the road and would be buying it on that basis.

The applicant replied that it was not possible to move the access road, for a number of reasons including the impact on flood zone 3 and alignment with HS2.

In NR statement of case they state that the decision was made in consultation with HS2 to not infringe onto the safeguard area.

Intrigued to establish what this consultation involved on 20th March 2023, I submitted a FOI request for all related correspondence between NR and HS2. The response is attached. It is clear in summary that the query related to the whole scheme and not specifically the area which extends into our property.

At no point it appears that the specific question as to whether it would be possible to place the road closer to the Western edge of our land boundary was asked.

It is not true that the scheme does not infringe onto the safeguarded area as the potential area for flood compensatory storage as shown in plan 151666 TRA-91-CFM-REP-W-EN-000007, is within the current safeguard area. What was HS2 response to this infringement onto safeguarded land?

During a meeting with network on 20th April 2023, I brought up the matter of the FOI and apparent lack of consultation between NR and HS2 Ben Thomas representing NR illuded to there had been

further communications which I had not been supplied in my FOI response. I have followed this up with emails to Penny Carter and Alex Dillistone Appendix 2 but they have not responded. Was there further communications that have not been disclosed? Are the applicants aware of their responsibilities under the Freedom Of Information Act ?

During November 2021 it was announced that the eastern leg of HS2 was to be scrapped although safeguarding remained for the time being. I think this safeguarding should be challenged it is unfair that this continues to blight local communities and prevent economic development along the scrapped route. Further examination of the emails exchange between NR and HS2 shows a complete lack of clarity on how this would affect this scheme.

SECTION (3) FLOOD ZONES AND MITIGATION

In the Applicants response they stated that the avoidance of areas of highest flood risk was an important factor and our proposal would result in more of the scheme being in flood zone 3 (1 in 100 year event) . Looking at plan 152666-TRA-91-CFM-REP-W-EN-000006 the vast majority of the scheme located within plot 6, (More than 80%) already falls within flood zone 3 , Our preferred option would actually place more of the scheme within Flood Zone 2 with a much lower risk of flooding (1 in 1000).

NR have not examined at all our proposal from a flood and drainage view point, therefore the inspector can not compare the merits of both positions and form an informed view. Why have they not done this?

SECTION (4) IMPACT TO LANDSCAPE AND ENVIRONMENT

In our statement of case we stated that the placement of the scheme (as shown in photo , document 3 and document 4) so close to my parents home, will severely impact their right to peace and quiet in their home and the visual impact of the road , embankment and bridge in the current position would severely impact the delightful views from their property. We believe the artists impressions provided does not represent the actual visual changes and have used considerable “artistic licence” and the impact to views will be much worse than illustrated.

In addition the response from network rail of 2/11/2022 (document 5) failed to address the impact to Willow farm new house and instead stated “By year 15 after planting, the new access road and highway bridge would still be seen from willow cottage but the effect described as “minor adverse” in the environmental report!

My Parents live in [REDACTED] , Willow Farm cottage is about 500mtrs from the entrance to the proposed scheme therefore they have not addressed this point . , and are in breach of Article 8 of the Human rights act.

At our meeting on 20th April 2023, Ben Thomas when pressed stated that NR position was that the scheme would create “Zero” Injurious Affection to my parents property although in Network Rails own statement of case 11.6.11 The New Access Road and New Highway Bridge would be clearly visible in year 1 , even by year 15 the New Access Road and New Bridge would still be visible. By year 15 my parents will be nearly one hundred and will have to live with blight for the rest of their lives.

Our land agent has been unable to reach Heads Of Terms with NR property team as they would not accept that this scheme leads to a diminution in value to my parents property hence why we find ourselves here today. It was are preferred wish to seek a negotiated settlement .

If the position of the new road was moved to the western edge of our field (as shown in document 4) the west side would already be well shielded due to the substantial wooded area behind "Norwood" and the only property it would affect would be Norwood which is owned by HS2, unoccupied and falling into a state of disrepair.

SECTION (5) VIEWS OF MOST AFFECTED RESIDENTS

I attach letters from all close residents who are in support of our proposal to move the access road fifty metres to the western boundary of our land holding, citing factors such as disruption to business , Visual impact and safety concerns.

SECTION (6) STATEMENT OF MATTERS

Due to the time restraints in preparing our Proof Of Evidence I have not been able to address The ministers statement of Matters 4a, 4b, 4c. Other than NR's failure to meet the relevant requirements to produce a true and accurate Environmental Statement as outlined below.

We have no comments to make on points 1,

Point 2 (1) ,Breach of statutory procedural requirement in the original submission of the budget for funding the scheme. It is my understanding that DFT have accepted NR argument that this was just a mistake, The inspector might wish to Clarify.

(2)

Network Rails submission fails to comply with The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (The application Rules) in that they they have failed to present a true and accurate Environmental Statement and are in breach of The Environmental Impact Assessment Directive 2011/92/EU Point 12 , Article3 (a).

Point 3, I think I have shown that NR reasons for choosing their preferred scheme was flawed and they failed to fully investigate our proposal that the scheme be moved further to the west to run along the existing field boundary and hedge line.

,5 as we are not opposed to the Order in principal just the chosen position of the access road.

Point 6 We would like the inspector to use his powers under The Transport and Works (Inquiries Procedure) Rules 2004, 20 (1) to recommend that the Order be amended to move the position of the access road fifty metres to the west.

Point 7 as discussed above.

That concludes my Proof Of Evidence.
