

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 Paramount Party Experience Ltd

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.

Your Petitioner

- 7 Your Petitioner is Paramount Party Experience Ltd , established in 2013, which provides excursions on a party bus. There are currently four directors, and casual staff. The office is based at Bocken on Frith Hill (South Heath Leg (SHL)) in South Heath, Bucks where the party bus is parked. Two of the Directors are the freehold owner of Bocken. The location is such that **(MAP CT-05-033)**:

- Its entrance is directly onto a construction traffic route (Frith Hill SHL), which in turn leads onto the B485 that is a core construction traffic route for the more than 7 years of construction works in the South Heath area.
- Its closest residential accommodation is 250 metres from the line, and a similar distance from the South Heath green tunnel portal, where trains will exit at 360km/hr , the property is, on current proposals, completely unshielded from noise, with no noise mitigation proposed in the Environmental Statement (ES)
- It is about 150 metres from the construction site (where new buildings will also be created – the green tunnel north portal building and an autotransformer station). There will be extensive construction works for building the green tunnel and the adjacent cutting to the north, that will close Frith Hill SHL for two years (cutting Bocken off from South Heath). All this will take place in the area between Bocken’s immediate North and North East boundary, and the HS2 line.
- The vehicle is parked less than 50metres from where the construction works and extensive “temporary” spoil heaps are sited. Bocken directly abuts an extensive spoil heap to the North alongside 100 metres of its boundary; spoil heaps are also sited immediately across Frith Hill (SHL) to the South.
- The Great Missenden and High Wycombe are on the other side of the A413 via construction traffic routes Frith Hill SHL, the B485 and the A413. Access to Amersham and Wendover will require using the A413. Peak construction traffic movements will last 3.5 years and are estimated from the ES to involve more than 1,000 construction traffic movements a day at the B485 junction with the A413.

- 8 The business depends upon access to clients that are currently mainly in the High Wycombe and beyond, and the Amersham area, both via the B485 and the A413, and onwards. The business typically offers 1 and 2-hour cruises and hence absolutely depends upon reliably being able to arrive on time at a clients’ homes and at specific timed events. These events can be at any time, but especially in the afternoon and evening. The party bus is based at Bocken, which has secure

off-road parking and facilities to clean the bus externally. The bus is white and black and the cleanliness of its exterior and interior is of great importance. The business will therefore be specially and directly affected by the current plans due to its proximity to the construction works (congestion, road dirt and dust).

- 9 As a socially responsible business, your Petitioner is also concerned for the welfare of the community in which it operates, and so is concerned about the damage HS2 will do to the community of South Heath and the quality of the Chilterns AONB.
- 10 Your Petitioner, Paramount Party Experience, is injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

Surface route and construction

- 11 Your Petitioner is concerned about the serious and injurious effect of the currently intended proposals for HS2 in the South Heath area. The current proposed route for HS2 involves surface construction between Mantles Wood and Wendover (Buckinghamshire), consisting of two sections in shallow cuttings, two viaducts, embankments, and two green tunnels. This entire area is designated as an Area of Outstanding Natural Beauty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) and is further protected under the National Planning Policy Framework and the European Landscape Convention. Your Petitioner notes that the Chilterns AONB is the only AONB on the entire proposed route of Stage 1 or Stage 2 of HS2.
- 12 Your Petitioner contends that the current proposals will be very disruptive to your Petitioner's business, and effectively it will not survive in its present form. Your Petitioner considers that it will be impractical to operate its business in its present form for the eight-year construction period scheduled for the South Heath area.
- i. The inability to reliably and quickly reach clients will greatly increase the cost of conducting work (as extra time will need to be budgeted for travel).
 - ii. Being late even just once effectively ruins the party-bus experience and will result in the loss of any repeat business.
 - iii. The importance of social media for marketing such a business means that being late even once to one client will create a negative reaction, and the business will inevitably lose customers. It is no remedy for the petitioner to say it was due to the building of HS2.

During the construction period, Frith Hill (SHL) will be a construction route, serving several compounds, the B485 will be a construction route, the junction with the A413 and the section of the A413 needed to access Great Missenden will all be construction routes, as will access to Hyde Heath Road (by any route) and Hyde Heath Road itself. The alternative of accessing anywhere via the single track roads, that are not construction routes, is impractical for the party-bus.

- 13 The dust impacts of constructing HS2, and the extensive "temporary" piles of spoil adjacent to the property, will have a significantly adverse impact on its commercial activities, as it will necessitate more frequent cleaning of the bus to maintain it in a presentable state. Its external appearance is most important.
- 14 The traffic analysis undertaken by HS2 Ltd and published in the ES grossly underestimates the realistic level of congestion that construction activities will create. Routes to London are already at saturation at peak times, with substantial queues already frequent on the B485 junction with the A413. Your petitioner is concerned that clients will be put off from hiring the party-bus for excursions to London
- 15 When operational HS2 would not be expected to have a material impact on the Petitioner, but there is no realistic possibility that the Petitioner's business will survive that long based at Bocken.
- 16 Crew for the party bus will have difficulty in reaching Bocken. Currently they would all require using the construction routes and unless compensated will not wish to continue working for the business. This poses great problems. Significant unchargeable time would need to be allowed as an extra cost to ensure prompt arrival at a client. Obtaining a new (and costly) place to park the bus would become essential.
- 17 Besides concerns about the impact on your Petitioner's business, your petitioner is concerned about the multiple adverse effects that HS2 would have in operational and construction on the residents and other businesses of this area and the many visitors drawn by the area's beauty and tranquillity.
- 18 Your Petitioner requests that HS2's construction be changed to address these problems. In particular your petitioner requests the Bill be amended to require
- (i) the construction of a tunnel through the whole of the AONB section of the proposed line in accordance with the green route proposals put forward by Chiltern District Council.
 - (ii) in the event such proposals are not accepted, your Petitioner submits that the CRAG T2 proposals, which have been referred to in the ES and which have been accepted in that Statement, as both feasible and environmentally preferable be adopted.
 - (iii) If such proposals are not accepted, your Petitioner submits that the proposals for a tunnel through South Heath put forward by REPA as included in the Environmental Statement (the South Heath Chilterns Extension Tunnel Extension, but extended to Leather Lane) should be adopted together, together with sound barriers which are, at a minimum, 5 metres high where the route is not in a tunnel.
 - (iv) If even these proposals are not accepted, your Petitioner submits that the section of the route between Mantles Wood and Wendover Dene be altered to reduce its environmental impacts, and that there be a

compensation scheme for which the Petitioner is eligible, to allow them to claim compensation for the loss of business during construction, or move home and premises without punitive loss.

- 19 Your Petitioner submits that the tunnel proposals referred to above would substantially remove the adverse effects complained of in the remainder of this petition (with the exception of the issue of speed) and the need for the proposed remedies otherwise required. Your Petitioner requests that if the proposal for a full tunnel throughout the AONB is rejected, then the following mitigation measures should be adopted and implemented, albeit that they would be unlikely to obviate the need to move to new premises to stable the bus.

Speed

- 20 Your Petitioner observes that many of the environmental problems associated with HS2 derive from a specification for excessive speed.
- 21 A fundamental issue with the detailed route set out in the Bill is that the Promoter not only seeks the highest speed achievable, but sets out to 'future proof' the design so that the maximum line speed is 400km/hr outside cities. The HS2 trains are not planned to be capable of exploiting this maximum speed (being capable of only 360km/hr), but it imposes serious restrictions on the routes possible. To achieve these speeds, the curvature of the line of route is very limited, making it impossible to follow existing transport corridors (such as the M40) or avoid sensitive locations (such as the Chilterns AONB or South Heath), as admitted in the Draft ES¹.
- 22 Your petitioner is concerned therefore that by adopting such an ultra high speed railway it has not properly considered alternative routes. Such alternatives (including still qualifying as a High Speed Railway) could have avoided going through the widest part of the AONB.
- 23 HS1, while a high speed railway, operates at a maximum of 300km/hr, and extensively follows the line of route of the M2 and M20 motorways. The Draft ES assessed the additional travel time from London to Birmingham were speeds limited to those of HS1 to be 4.5 minutes².
- 24 The Promoter's justification for the highest achievable speed is the claim that journey time savings are very valuable. Despite the admission that business travellers can and do now work productively on trains, business time savings are valued as if the time savings were additional productive time. Even the trains into London can be used productively (although only a minority have wifi). Your Petitioner (in the company of many others) contends that the Promoter has mistaken the balance between the value of journey time savings and environmental damage.
- 25 Your Petitioner requests that Parliament direct the Promoter to adopt a

¹ Volume 1 – Introduction to the Draft Environmental Statement and the Proposed Scheme | Strategic and route-wide alternatives, paragraph 7.4.5

² Op cit paragraph 7.4.4

maximum design speed of 300km/hr, and to amend the detailed route to exploit the ability this gives to locate HS2 next to existing major transport infrastructure – eg the M40. The reduction in speed in itself would have major carbon and other environmental benefits (eg noise reduction), as recognised by Parliament’s Environmental Audit Committee.

Construction traffic

- 26 Your Petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures. Such impacts could have a highly adverse impact upon your Petitioner’s commercial activities, as explained above. Your Petitioner further submits that the roads in the area around South Heath are not suitable for intensive use by Heavy Goods Vehicles. Construction activities are planned to occur in this area for up to eight years, with peak traffic levels for 3.5 years. The potential disruption and delay cannot be treated as a “temporary” inconvenience, but is potentially business threatening and lifestyle destroying.
- 27 Your Petitioner is also concerned that traffic seeking to avoid congestion during the construction period will place a further burden on the roads in this community, which are already under pressure, making attempts to avoid congestion of construction routes futile.
- 28 Your Petitioner therefore requests that construction traffic be prohibited from using all local roads except the A413. A separate construction access road should be built linking the HS2 trace directly to the A413. In particular, Kings Lane and Potter Row, Frith Hill (SHL), Hyde Heath Lane and the B485 should not be used as construction routes. All construction traffic should be required to use the trace accessed by dedicated new roads from the A413.
- 29 Construction traffic using the trace but crossing public roads should do so through grade separated junctions – ie bridges or underpasses. Construction traffic should not be allowed to cross public roads, as is being suggested for the B485: road traffic should not be impeded by traffic lights or other means of sharing the road with construction traffic.
- 30 The use of the A413 should be limited so that construction traffic may not use it when it serves people accessing work, stations and schools in the mornings and evenings (eg between 06:30 and 09:30, and 15:30 and 18:00). Limitations should be enforced by the highways authority through a binding traffic management plan. Funding should be provided by the promoter. Infingements must carry compensation.

Noise during construction and train operation

- 31 Your Petitioner is concerned about the effects of noise arising from the construction of the high speed railway and associated development including heavy lorry traffic.
- 32 Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise which will adversely affect your Petitioner’s premises.

- 33 Your Petitioner requests that the nominated undertaker should be required to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt at nearby properties (either internally or externally) and there are no other adverse effects. This should include the following mitigations
- Include high quality full height (5m) trackside sound barriers either end of the South Heath green tunnel
 - The Promoter should be required to adopt more demanding exposure standards, in line with national policy and the World Health Organisation's ('WHO') guidance - including on peak sound levels, and to reflect the fact this is an area of tranquillity. HS2 Ltd regard the AONB in this area as being of medium tranquillity³, and "*sensitivity to change of the AONB is considered to be high*" but then fail to protect this by settling higher standards than those needed to preserve health and wellbeing.
 - There should be an effective enforcement mechanism that prevents standards being exceeded in construction and operation. Standards that preserve tranquillity should be specified and enforced, and this should include the use of lower train speeds.
- 34 Your Petitioner requests that there should be exposure standards to protect the tranquillity of houses, gardens, open spaces and footpaths. Monitoring and enforcement systems should be put in place before commencement of the construction and operation of the high speed railway and associated developments.
- 35 The House of Commons Environmental Audit Committee's report entitled "HS2 and the Environment thirteenth Report of Session 2013-2014" dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Your Petitioner requests that this be implemented. This should apply to noise, but not be limited to it.
- 36 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 37 Your Petitioner therefore requests that Clause 35 and schedule 25 are deleted from the Bill.

Vibration during construction and train operation

- 38 Your Petitioner is concerned about the effects of vibration arising from the

³ Environmental Statement Volume 3 Route-wide effects. Page 12. Section 2.3.20, and 2.3.22.

construction of the high speed railway and associated development including heavy construction traffic. Vibration may severely impact upon the use and enjoyment of your Petitioner's premises as well as on the neighbourhood's general amenity.

- 39 Your Petitioner requests that the nominated undertaker should be required to use best available techniques and the highest level standards of in the construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in the properties including design adjustments to the ballast and track design to minimise potential for vibration. Your petitioner notes with concern that HS2 Ltd have not, so far, released details of the model used to predict ground-borne noise and would urge that these be published and subject to independent peer review before being used as a basis for forecasts in this area.
- 40 As with noise, failure to achieve exposure standards should result in additional mitigations including reductions to train speeds if required.

Compensation

- 41 Properties in the South Heath area are significantly blighted from the prospect of HS2, and this will worsen when construction is underway. The premises of your Petitioner give an illustration of how unfairly members of the local community are being treated. Your Petitioner's premises are within 250m of the line, on a construction route, with temporary spoil heaps abutting 100m of the property's boundary and across the road, and within 200m of the site of the South Heath autotransformer. Construction works in the area are scheduled to last 8 years. Your Petitioner's directors are advised that these premises, which are the residence of its directors, are unlikely to be saleable. Even if a purchaser could be found, and similar types of properties at similar distances receive no interest, a very substantial discount from the unblighted value would be required.
- 42 To address this, your Petitioner requests that
- the proposed 'need to sell' scheme should be amended to cover anyone wishing to sell their property if it is blighted by HS2, irrespective of financial status; or
 - .Alternatively the property bond, as proposed by HS2 Action Alliance, should be implemented.
 - Furthermore, all those remaining who suffer the impacts of construction should be compensated.

Dust and dirt during construction and train operation

- 43 Your Petitioner is concerned about dust and dirt produced during construction of the high speed railway and associated development and the effects of this on your Petitioner's premises, and the work that will be needed to keep the bus in a state that it can be used for paid work.
- 44 Your Petitioner is concerned that there are no binding mitigation measures in

relation to emissions, especially in light of the siting of the temporary spoil heaps, some 50metres distant, and the amount of earth to be moved.

- 45 Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation. There must be sanctions with damages if limits are exceeded.
- 46 Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the guidance on the "*Planning for Mineral Extraction in Plan Making and the Application Process*" issued on 6 March 2014.
- 47 Your Petitioner requests that there is a requirement to carry out additional mitigation if dust becomes a nuisance to the properties and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement for additional expense caused by dust and dirt. This should apply to the additional costs involved for cleaning the bus too.

Air Quality

- 48 Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development. Your petitioner is particularly concerned about the air quality impacts of the temporary and permanent storage of spoil.
- 49 Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority and plan drafted to ensure ongoing compliance with minimum standards for air quality, subject to oversight and enforcement by Chiltern District Council.

Code of Construction Practice

- 50 Your Petitioner is concerned that the Bill does not identify how contractors will be made to comply with Code of Construction Practice. The ES assumes that the Code of Construction Practice will be fully effective, but the Code of Construction Practice has no legal status.
- 51 Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. The Secretary of State for Transport should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority.
- 52 The limit to what is required set out in the ES and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practicable means" and the measures should be agreed with Chiltern District Council. Measures should be subject to independent assessment verifiable and

challengeable.

Monitoring

- 53 Your Petitioner is concerned that there is no measurable independent method of monitoring compliance by the contractors and other bodies in connection with the above concerns relating to noise, vibration, dust and other construction matters.
- 54 Your Petitioner requests that Chiltern District Council should be provided with funding to undertake this responsibility and generally for compliance and enforcement for the monitoring of all the foregoing matters and be entitled to bring matters before Parliament where incidents of serious or repeated non-compliance occur.
- 55 Your petitioner requests that there be a free-phone hotline for making complaints with specified times for addressing issues

Hunts Green Spoil

- 56 As Paragraph 9 above notes your petitioner, as a socially responsible business, is concerned for the welfare of the community in which it operates, and the damage HS2 will do to the community of South Heath and the quality of the Chilterns AONB. Your Petitioner is worried that the proposals for a permanent spoil heap will be highly damaging to the local area. Your petitioner submits that the proposed location for millions of tons of excavated spoil in the centre of an ANOB is wholly inappropriate and is not necessary to construct the high speed line. A tunnel solution would remove the need for this spoil dump. Your Petitioner submits that HS2 Ltd has not applied the Waste Hierarchy as it has a legal duty to do, and that it has not adequately considered the beneficial use of spoil in other locations, eg for the restoration of quarries.
- 57 Your Petitioner accordingly requests that the plans for the Hunts Green spoil dump are removed and that HS2 Ltd be required to come up with an effective waste disposal strategy which reflects relevant legislative requirements.
- 58 Your Petitioner also points out that, if the tunnel proposals highlighted above at paragraph 18 are adopted, then the amount of spoil involved for this section of the line will be substantially reduced, and the Hunts Green landfill site would be entirely unnecessary.
- 59 The list of grievances above is by no means exhaustive and, due to the inadequacy of the Environmental Statement prepared by HS2, it is inevitable that that the construction of HS2 will disrupt your Petitioner in ways which have not yet been considered.
- 60 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.
- 61 There are other clauses and provisions of the Bill which, if passed into law as

they now stand will prejudicially affect your Petitioner, its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays 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 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.

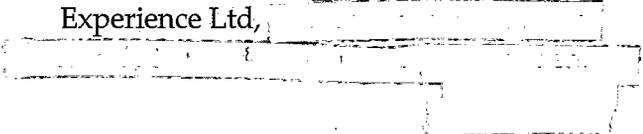
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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PARAMOUNT PARTY EXPERIENCE Ltd

AGAINST, By Counsel, &c.

Miranda Weston for Paramount Party
Experience Ltd,

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