

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

Against the Bill – 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 CHERWELL DISTRICT COUNCIL

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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 ("Phase One of HS2") 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 Petitioner is the local authority for the district of Cherwell ("the District") and have been invested by Parliament with a number of important powers and duties in relation to the interests of the inhabitants of their area. Amongst other functions of your Petitioner is that of the local planning authority in respect of most types of development, and your Petitioner is responsible for general planning and the preparation of development plans. Your Petitioner has a statutory duty to investigate the existence of, and to control nuisances within its area.
8. Your Petitioner alleges that it and its property, rights and interests in its area and the inhabitants thereof would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form and it accordingly objects to the Bill for the reasons, amongst others, hereinafter appearing.

Concern at lack of information

9. Your Petitioner wishes to express concern regarding the poor provision of information supplied by the promoter, both prior to the deposit of the Bill, and since the Bill has been deposited. HS2 Ltd has continually failed to provide necessary paperwork prior to meetings as requested, and information presented has often been inadequate and conflicting.
10. Plan and Profile maps and GIS layers were requested by your Petitioner and others early on in the process of the consultation on the environmental statement, as it was felt that these were necessary tools to inform their response. HS2 Ltd responded that the GIS layers were likely to be available in mid/late December. It was not until the 24th January that these were made available, the day that the consultation was due to end. The latest plan and profile maps remain unavailable, and furthermore, supplementary information such as the Code of Construction Practise has remained in draft form. Other important supplementary documents, like the local environment management plans ("LEMPs") have not been produced, even in draft.
11. The ongoing lack of information has made it particularly difficult to understand the full impacts of HS2, and therefore commenting on the project has been particularly difficult. It also raises the question as to why this information is being withheld when it has been produced. Your Petitioner expects to be able to consult on the final version of the CoCP and any other relevant documents that are produced, prior to construction taking place, and asks your honourable House to require the Promoters to ensure that happens. Your Petitioner also requests that in future, all information is made available in a timely manner.

General position of council on HS2

12. Although your Petitioner is aware that the Select Committee of your honourable House is unable to consider cases which object to the principle of the Bill, your Petitioner wishes to express its objection to the principle. Your Petitioner is seriously concerned over the business case of HS2, particularly the fact that it represents poor value for money to the taxpayer, in a country which cannot afford such expenses.
13. Your Petitioner instead supports the alternative solution to HS2 produced by 51m. This alternative represents a much better business case including lower initial costs

and a much greater Benefit Cost Ratio, as reported by WS Atkins working for the Department of Transport.

Noise standards

14. Your Petitioner is gravely concerned about the impact of noise on the tranquillity of the District. Its neighbouring local authority, South Northamptonshire Council, has carried out local noise monitoring and has evidence that the local dBA level is typically between 25 and 30, measured at six rural locations within 200m of the proposed line, considerably lower than the ambient noise figures presented within the Environmental Statement (CFA 14 Report, page 81) and a mere fraction of what it will be once the proposed railway line is constructed. Your Petitioner is currently undertaking similar measurements of local ambient noise levels.
15. The current guidance is that noise mitigation is not considered necessary where average Decibel levels are below 50dBA. In short, an urban area will receive mitigation where noise levels are anticipated to rise from, for example 45dBA to 51dBA, whereas a rural area, such as the District could see levels rise from 25dBA to 49dBA without any mitigation.
16. Your Petitioner is not satisfied with the response they received from HS2 Ltd when these concerns were discussed.
17. Your Petitioner requests that the Promoter or Nominated Undertaker be required to provide mitigation to reduce the nuisance where ambient dBA noise levels are set to increase by more than 10 dB as verified by the local authority with a remit for noise monitoring.
18. Further, your Petitioner requests that as the main driver for the proposed railway is apparently no longer speed, and as noise is directly related to speed, the night-time running speed of the railway in rural areas should be limited to no greater than 200km/h during the last two hours of operation in the evening (proposed as 10.00pm to midnight).

Visual impact of rail infrastructure

19. Your Petitioner is gravely concerned about the visual impacts of the anticipated urban design nature of infrastructure such as road bridges, viaducts, culverts, green tunnel

mouths and vents. These structures will be clearly visible from many hundreds of rural properties in an unspoilt ancient landscape. The designs shown in HS2 Ltd's own visual interpretations will not fit in with the surrounding environment. This will have a significant negative impact on the landscape, and ruin the aesthetics of the local environment. Your Petitioner does not support the use of white concrete structures of the type used on HS1 in Kent.

20. In order to minimise the impact of the proposal, your Petitioner requests that prior to construction, your Petitioner and its residents should be consulted meaningfully on the detailed drawings and plans for bridges, viaducts, culverts and green tunnel mouths and vents. It must be designed to fit in with the surrounding environment, respect the local vernacular and be maintained to a high standard. Visual screening must be put in place, and this must also be maintained to a high standard.
21. Your Petitioner requests that the design of infrastructure should be appropriate to a rural setting, in that the structures, construction materials and surface finishes are ones that complement the surrounding. In other words, the design of infrastructure in urban and rural areas must by definition be different.

Local design standards

22. Your Petitioner is concerned about the Promoters, current proposal to use consistent and largely 'urban' design cues with no specific requirement to integrate the design into the natural setting. To support a more generic 'rural' design principle, your Petitioner proposes that the use instead of locally occurring and existing design cues to complement the local built and natural heritage of the District and respect its designated conservation areas.
23. Your Petitioner is not satisfied with the response they received from HS2 Ltd when these concerns were discussed.
24. Your Petitioner requests that the Promoter and Nominated Undertaker be required to ensure that the final design is developed 'district-by-district' in close consultation with the heritage and conservation teams in each local planning authority to ensure that local design of the proposed works respects the built and natural heritage in the district through which the railway passes.

Impact of construction and associated traffic

25. Your Petitioner is concerned about the effects that construction traffic will have on B roads and other minor roads within the District due to their lack of suitability for HGVs and the popularity of local routes with cyclists, horse riders and pedestrians.
26. Your Petitioner is concerned about the use of inappropriate rural lanes for relatively high volumes of traffic and the impact of rat-running on rural lanes as strongly expressed by local communities. This is a matter for the county highways authority and the Promoter to resolve through signage and where appropriate transport orders.
27. Your Petitioner is also concerned about the impact of construction traffic on junctions 10 and 11 of the M40, the A4221 and the market town of Banbury. These areas already suffer the effects of congestion and localised pollution. Further, it has already been acknowledged by the Highways Agency that junction 10 of the M40 will require a further upgrade beyond that already planned as part of their Pinchpoint programme in 2015/6.
28. Your Petitioner is concerned about the negative impact of construction traffic through the use of roads below a B classification by HGVs.
29. Your Petitioner requests that where routes other than A or B category roads are required, that designated haul roads should be considered in discussion with the local highways authority.
30. Your Petitioner requests that during construction, the nominated undertaker must maintain the quality of the highways on which it is the predominant user, and after construction, roads and footpath, cycleway and bridleway disturbed by construction works must be returned to their original size, and character, and all damage sympathetically restored by the Nominated Undertaker.
31. Your Petitioner requests that the commitments made in the Code of Construction Practice page 57 are rigorously enforced, specifically a hotline allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed in a reasonable length of time.

32. Your Petitioner request that the nominated undertaker provides sophisticated low impact lighting solutions at the compound, to be activated only when the compound is in use; similarly the auto transformer installation should only be lit during necessary inspection and maintenance visits. This will minimise the adverse environmental impact of such lighting.
33. Your Petitioner requests that detailed traffic modelling must be carried out by the Promoter taking into account the future growth in the District and that the cumulative effect of all the traffic is considered to avoid 'overspill' of existing traffic onto local roads as a result of HGV traffic generated by the construction of the proposed railway.

Impact of height of Line

34. Your Petitioner objects to the proposal in the Bill that enables scheduled works to be constructed up to 3 metres higher than the levels shown on the deposited section, and the lack of any vertical restriction at all on works that are not scheduled works (which includes mitigation works such as "sustainable placement" and ground reprofiling).
35. Your Petitioner is gravely concerned that even a slight rise in elevation from the levels shown on the sections will have a direct impact on the ancient landscape of the District and will amplify your Petitioner's concerns about noise, visual intrusion and the failure to produce a design that is sympathetic to the rural character of the area.
36. Your Petitioner supports a lowering of the alignment throughout and is not satisfied with the response they received from HS2 Ltd when these concerns were discussed.
37. Your Petitioner requests that a more stringent restriction of 2 metres is placed on any vertical deviation for the scheduled works and that height limits on other works, particularly "sustainable placement" and ground reprofiling should be imposed at sensitive locations.
38. Your Petitioner requests that should changes to the line be necessary as the design advances that the presumption should be in favour of a lower alignment. Further, that the line should only be raised (up to a revised maximum amount) where it has been clearly demonstrated to your Petitioner as local planning authority that lowering of the line is not technically possible.

Acquisition of land

39. Your Petitioner is concerned about the powers to acquire land and rights in land compulsory set out in clauses 4 of the Bill, and believes that the powers sought go beyond what is required to achieve implementation of HS2. The powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create additional blight.
40. Your Petitioner seeks an assurance that the Secretary of State will acquire no greater amount of land than is reasonably required for the construction and operation of the works authorised by the Bill. Your Petitioner requests that the Bill and the deposited plans be amended to exclude land that is not required, or that the Secretary of State be required to enter into legally binding agreements with land owners saying that land that is not required will not be compulsorily acquired. Your Petitioner respectfully requests that clause 47 be removed from the Bill.

Planting with appropriate species

41. Your Petitioner is concerned that the impact on the unspoilt rural landscape will be exacerbated by the use of alien species of planting and that species used for mitigation purposes such as visual screening and reducing the effects of noise may be 'generic' along the route.
42. Your Petitioner requests that the Promoters and Nominated Undertaker be required to ensure that the species used are those that will resist climate change, and be complementary to the local habitat and that species are agreed 'district-by-district' with all appropriate agencies including, in the case of the District, the Woodland Trust, Wildlife Trust and your Petitioner's arboriculture specialist.

Impact of vibration within the limestone plateau

43. Your Petitioner is gravely concerned that no work has been carried out on the possible effects of vibration from the High Speed Trains on the local topography - more specifically the limestone plateau which covers much of the area on the district border with Northamptonshire.

44. Your Petitioner's concerns are justified because issues in relation to vibration in chalk at Bluebell Hill in Kent, following the construction of HS1, were not adequately dealt with for around ten years.
45. Your Petitioner requests that the Promoters be required to carry out a detailed study of all sections of the route passing through the limestone plateau in order to ensure that measures are put in place to avoid any occurrence of vibration.
46. Your Petitioner also requests that the Promoters acknowledge that mitigation may be required for properties that lie outside the limits within which protective works may be carried out under the Bill and that should vibration effects be felt in properties in the District after construction, further mitigation and any compensation measures will be provided satisfactorily within a specified timeframe, and your Petitioner suggest that it should be two years.

Impact of an elevated A4421 upon Newton Purcell

47. Your Petitioner objects to the proposed realignment of the A4421 which will include an elevated section off-line over the proposed railway, to the west of the current alignment.
48. Your Petitioner considers that the anticipated road traffic noise levels will be significantly higher than that currently experienced and will cause additional nuisance to local residents over and above noise from the proposed railway. It would appear that the noise from the road has not been analysed. Furthermore your Petitioner considers that the roadway itself and its embankments, together with any necessary noise mitigation measures mounted upon them will be harmful to the character and appearance of the surrounding area which is clearly seen from the A4421 and houses in the village of Newton Purcell.
49. Your Petitioner also expresses concern about the community severance that is to be caused by the railway and new road proposals at Newton Purcell. The properties on the eastern side will be effectively severed from the remainder of the village unless an effective and safe means of pedestrian access is provided either above or below the line in the approximate position of the existing road.

50. Your Petitioner requests your honourable House to give consideration to the A4421 being accommodated off-line through an underpass arrangement to the west of the current road, rather than by the overbridge proposed. If your honourable House does not agree with your Petitioner, then your Petitioner requests that noise levels from road traffic be mitigated to ensure that they are not permitted to increase from that currently experienced (as measured at the commencement of construction works).
51. In any event, your Petitioner requests that the Promoter should be required to construct a pedestrian underpass to avoid severance of the community of Newton Purcell.

Impact upon the setting of residential properties at Oaks Farm, Warren Farm, Tibbetts Farm and Church Lane/Featherbed Lane, Mixbury

52. Your Petitioner has serious concerns about the anticipated impact of the proposed works upon the tranquil setting of the properties at Oak Farm, Warren Farm, Tibbetts Farm, and Featherbed Lane.
53. These properties are all north of the A421 in an extensive rural landscape. Your Petitioner considers that the impact upon the first two properties (Oaks Farm and Warren Farm) will be significant in terms of noise impact and it is requested that extensive measures of noise mitigation should be researched, agreed and implemented to reduce the noise levels to be experienced to tolerable levels.
54. Your Petitioner considers that the tranquillity enjoyed at Tibbetts Farm, two properties in Church Lane and the five properties in Featherbed Lane will be seriously disrupted both during construction (due to the use of Featherbed Lane as the sole route of access to the construction sites/depots for the rebuilding of the Featherbed Lane overbridge and the Tibbetts Farm auto-transformer station), and permanently by the railway being in only low cutting with the tops of trains and the overhead gantries clearly visible across only one intervening field.
55. Your Petitioner requests that the Promoters should be required:
 - (a) to construct a separate haul route from the A421 to the construction sites mentioned above as an alternative to the use of the narrow single-track road of

Featherbed Lane which passes close to the front of the dwellings that face onto that road, and

- (b) to provide noise bunding, fencing and planting (in combination) along the western side of the railway, in orders to reduce the noise and visual impact of the railway when viewed from the west.

Impact of sudden noise impulses upon Mixbury and Fulwell

- 56. Your Petitioner is concerned about whether the effect of sudden noise events upon the amenity of the residents of the two rural communities of Mixbury and Fulwell has been properly assessed. The proposed railway would pass from cutting to short embankment and then back into cutting at this location. Your Petitioner envisages that the impact of a fast moving train will be experienced here as a sudden burst of noise, rather than the gradual increase and decrease of noise normally experienced with the passing of a train.
- 57. In your Petitioners humble opinion this will be likely to be more disturbing than noise experienced elsewhere, especially at night when a very low background noise level (typically 20-25dBA locally) can be expected in such a rural location.
- 58. Your Petitioner requests that special mitigation measures are included to deal with this anticipated problem.

Impact upon Finmere Quarry

- 59. Your Petitioner draws attention to the fact that the HS2 route runs adjacent to and partly on areas where sand and gravel extraction and landfill is permitted at Finmere Quarry and Landfill Site. An area to the west of the route enjoys permission for sand and gravel extraction. Extraction of minerals is to cease by the end of 2016, deposit of waste is to cease by the end of 2018, restoration is to be completed by the end of 2019, and aftercare of the site will continue until the end of 2024.
- 60. The haul route from the extraction area to the associated processing plant and site access crosses the proposed HS2 route. The HS2 construction period overlaps with the timescales for this permission and some of the area of this permission is shown on the HS2 construction plans as land potentially required during construction. It is not clear

from the information that is available whether and to what extent the HS2 project would conflict with the permitted mineral working and restoration.

61. Your Petitioner requests that this issue is addressed, to ensure that the sand and gravel can be extracted without being prevented by HS2 construction works.

Impact upon Mixbury Bridleway 303/5

62. Your Petitioner is aware that there have been on-going discussions between the Promoters and Oxfordshire County Council (as local highway authority) regarding the alignment of the Mixbury bridleway. People using this bridleway currently use the old disused railway rather than the legal route within the field. There are aspirations locally to create a cycle route from Westbury towards Brackley along the disused railway. This would provide an ideal, safe, all-weather route. The disused railway is also part of the Westbury Circular Ride which is promoted by neighbouring Buckinghamshire County Council. Accommodation of the bridleway in this location should not prevent a cycleway from being created in the future and therefore the new route will need to be appropriate for this use.
63. Your Petitioner requests that the Promoter be required to ensure that accommodation of the bridleway along the alignment of the disused railway be explored further and that subject to a feasibility study demonstrating that it is capable of being achieved, the Promoter should be required to adopt your Petitioner's preferred option, namely for the bridleway to be accommodated on the disused railway.

Impact upon the setting of Godington

64. Your Petitioner is gravely concerned about the effect of the proposal upon the tranquillity of this location and the intervention of modern transportation infrastructure in the rural landscape. Godington is a remote village accessible only by a narrow no through road. The village contains fewer than 20 properties (including 2 listed buildings) and is tranquil and unaffected by road noise. The construction of the railway will result in the village suffering significant train noise albeit that the trains will not be visible.

65. Your Petitioner requests that the Promoter be required to provide noise mitigation for the benefit of the villagers and that the mitigation must be designed in such a way that the passing trains are imperceptible at this particularly tranquil location.

Impact upon the heritage site at Mixbury

66. Your Petitioner is gravely concerned about the impact of the proposals on the setting of Mixbury Conservation Area and its collection of listed buildings, including the Grade II* listed Church of All Saints and the Beaumont Castle Scheduled Monument (consisting of earthworks and the site of what was probably a timber castle).
67. Your Petitioner requests that the Promoters be required to recognise that Mixbury Conservation Area is a heritage asset in the context of the ES and that the advice of English Heritage is sought in relation to the preservation of the setting of the Scheduled Ancient Monument and that their recommendations are implemented in full.

General

68. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

SHARPE PRITCHARD LLP

Agents for Cherwell District Council

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P E T I T I O N

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CHERWELL DISTRICT COUNCIL

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