

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill – Praying to be heard by counsel, &c.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF WYCOMBE DISTRICT COUNCIL

SHEWETH as follows:

1. A Bill ("the Bill") has been introduced into and is now pending in your Honourable House entitled "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.
7. Your Petitioners are the local authority for the district of Wycombe in Buckinghamshire.
8. Numerous enactments have conferred important powers and duties upon your Petitioners. Amongst other functions your Petitioners are the local planning authority and are thus responsible for general planning matters and the preparation of development plans and local development schemes. Your Petitioners have a statutory duty to investigate the existence of, and to control, nuisances within their area.
9. Your Petitioners allege that their rights, interests and property will be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form,

and your Petitioners accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.

#### **GENERAL ISSUES**

10. Your Petitioners note that there will be site preparation and construction activities within your Petitioners' area. The matters with which your Petitioners are particularly concerned are the problems of visual impact and construction, especially in relation to the disruption and safety of road traffic and pedestrians.
11. Your Petitioners are also concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of mitigation of the adverse effects on trees and other vegetation, as well as noise and dust caused during the construction period and in particular that the code of construction practice includes established best practice requirements. There should also be a guarantee that any future changes to industry standards will also be complied with.

#### **Highways / Traffic**

12. Your Petitioners and Buckinghamshire County Council, the highway authority for Buckinghamshire, are anxious about the lack of information on potential new/changed structures (e.g. bridges) and roads and on the consequences of proposed construction/haul routes.
13. Your Petitioners support Buckinghamshire County Council in their request that they must be fully consulted on all proposals to make temporary or permanent road closures and traffic diversions, changes to traffic flow, and any physical alterations to the highway in their area.
14. Your Petitioners and Buckinghamshire County Council are concerned about the proposal to use junction 4 (Handy Cross) of the M40 together with the A4010 between High Wycombe and Aylesbury as a construction haul route. Your Petitioners are concerned that this routing would take construction traffic through the already heavily congested area of High Wycombe, potentially during a time when other major developments and road works in the town centre are taking place. Your Petitioners seek undertakings and assurances that the

Nominated Undertaker will work with Buckinghamshire County Council to identify the most suitable methods and routes to serve construction sites and compounds.

15. Your Petitioners, together with Buckinghamshire County Council, are also concerned about the impact of the proposed construction haul routes on the safety and amenity of residents along those routes especially in built-up areas such as Princes Risborough, and on the expeditious movement of traffic including public transport. The haul route along the A4010 is also a significant blue light route for the accident and emergency services for Wycombe District since the relocation of the emergency services from High Wycombe to Stoke Mandeville. Your Petitioner's district is already subject to a high number of vehicle movements between Aylesbury, the M40 and M4 putting considerable strain onto the quality of life of residents along these roads. The proposed scheme will add to these pressures. Your Petitioners seek undertakings and assurances that the Nominated Undertaker will work with Buckinghamshire County Council to minimise the impact on residents along construction routes by identifying the most suitable methods and routes for construction traffic and by placing restrictions on vehicle size and number of vehicle movements.

16. Your Petitioners support Buckinghamshire County Council in their request that the Nominated Undertaker should be required to carry out and fund all necessary remedial and repair works to the highway to a standard specified by Buckinghamshire County Council in respect of all highways for which they are the responsible authority. Your Petitioners submit that the Nominated Undertaker should be required to carry out and fund detailed condition surveys before and after the construction period on land in their ownership which is to be and is affected by the proposals, and also on highways which are to be used as worksites or which will be used by construction traffic.

#### **Soft landscape treatment and management**

17. Your Petitioners are further concerned about the lack of commitment to ongoing management/ maintenance of new soft landscape areas and existing adjoining habitats of nature conservation value. Your Petitioners request that the Nominated Undertaker, in consultation with the relevant nature conservation bodies, landowners and local authorities, secures appropriate management plans and endowment for the management of soft landscape areas in perpetuity including those areas established during construction. These

should not only outline management regimes but should also clearly state areas of management responsibility as well as outlining methods of monitoring and enforcement.

### **Design issues**

18. Your Petitioners are concerned about the design and appearance of ancillary structures such as transformer stations, noise barriers, tunnel portals and the impact they will have on the local character and amenity. Whilst there are a limited number of properties in your Petitioners area that are directly affected the area is popular with walkers. It is also located next the Area of Outstanding Natural Beauty (AONB). Your Petitioners request undertakings and assurances that the Nominated Undertaker will draw up a design code in liaison with local authorities to minimise the impact of the proposed scheme on the local landscape.

### **Authorisation procedure**

19. The Bill contains provisions which provide outline planning permission for the development authorised by the Bill and disapply a number of other statutory regulation regimes which would normally apply in relation to the construction of works, including the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Control of Pollution Act 1974. Your Petitioners wish to ensure that if those controls are to be removed or suspended then in their place there is a robust alternative approval mechanism in each case, in which your Petitioners play a full part. Your Petitioners will, in conjunction with other local authorities affected by the Bill, be seeking to ensure that such arrangements are put in place, but if that is not achieved then your Petitioners would respectfully request that the promoters be required to accept satisfactory arrangements including realistic timescales for the consideration of applications.

20. As part of the alternative consent regimes mentioned above, your Petitioners must be able to recover from the promoter or the Nominated Undertaker their full costs of processing applications. Your Petitioners note that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local planning authority in respect of requests for detailed planning consent. Your Petitioners are pleased to note this, but seek assurances from the promoter about the level of those fees and the ability of the promoters to cover their costs, including those of dealing with all applications, not just those

directly related to the planning provisions in the Bill, and taking enforcement action where necessary.

### **Planning conditions**

21. Your Petitioners note that the planning regime set out in the Bill is very similar to that contained in both the Channel Tunnel Rail Link Act 1996 and the Crossrail Act 2007. However, there is one significant difference that causes your Petitioners considerable concern, namely sub-paragraph 2(7) of Schedule 16 to the Bill. That sub-paragraph says that the relevant planning authority may impose conditions on approval of detailed plans and specifications only with the agreement of the Nominated Undertaker. This provision could render the planning authorities unable to impose conditions and should be struck from the Bill. Your Petitioners' concern applies to any other provision in the Bill in which authorities are given powers to impose conditions or other matters, only with the agreement of the Nominated Undertaker.
  
22. Your Petitioners note that the Bill and the supporting documents adopt similar regimes to those which were established for the construction of the Channel Tunnel Rail Link and Crossrail. Your Petitioners are pleased to note that this regime will include the agreement of a code of construction practice ("CoCP"), and local area management plans ("LEMPs"). Your Petitioners will wish to ensure that the CoCP is complied with properly, and in that respect, your Petitioners may incur expenditure. Your Petitioners wish to ensure that all of their reasonable expenses in monitoring construction sites are met by the Nominated Undertaker, together with expenditure incurred by your Petitioners in planning and programming activities related to the CoCPs and in enforcing them.

### **SITE SPECIFIC ISSUES**

#### **Tunnel Portal**

23. Your Petitioners are concerned about the impact the northern tunnel portal near Wendover will have on the local landscape character and views, including important views from the Chiltern AONB. Your Petitioners request undertakings and assurances from the Promoters of the Scheme which appropriately address the impact and intrusion of the portal in a way that minimises its adverse impact on the rural character. In addition, your Petitioners request

that appropriate mitigation planting is introduced at the tunnel portal to better integrate the structure into the surrounding landscape.

#### **Maintenance sidings near Stoke Mandeville**

24. Your Petitioners are concerned about the impact of the maintenance sidings on the local amenity, landscape character and views, including selected views from the Chiltern AONB. Little information has been made available with regard to design and operation of these sidings especially with regard to appearance, lighting and noise. Your Petitioners seek undertakings and assurances that the sidings are arranged in a way that reflects the local amenity and which minimises their impact on the setting of and views from the AONB. Lighting should be avoided or kept to a minimum by being low level, directed and movement-sensored.

#### **Section between northern tunnel portal and maintenance sidings**

25. Your Petitioners are also concerned about the impact the railway line and associated structures will have on views from public footpaths including footpaths within the AONB. Whilst the proposal seeks to introduce some bunding along the western side of the track, only very limited planting is proposed on this side. Your Petitioners seek undertakings and assurances which appropriately address the impact and intrusion on the rural character, including additional appropriate planting alongside the track and along the Stoke Mandeville bypass.

26. 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 Wycombe District Council

HOUSE OF COMMONS

SESSION 2013-14

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P E T I T I O N

of

WYCOMBE DISTRICT COUNCIL

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AGAINST,

BY COUNSEL, &c.

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