

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013 - 2014

1013

HIGH SPEED RAIL (LONDON TO 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 The Right Honourable David Lidington MP

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, Mrs Secretary May, Secretary Vince Cable, Mr Secretary Duncan Smith, Mr Secretary Pickles, Mr Secretary Paterson, Mr Secretary 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 and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker"). Further works are also detailed in Clause 2 and Schedule 2 of the Bill. Clause 47 enables the compulsory acquisition of land for regeneration or relocation that extends beyond the works in Schedules 1, Clause 2 and Schedule 2.
7. Your Petitioner is the Member of Parliament for Aylesbury (hereinafter referred to as 'the Petitioner') and has a constituency office and private dwelling within the area that will be affected by the Bill. Your petitioner holds regular surgeries which draw individuals from across the constituency to access the assistance and interventions of their elected MP. Your Petitioner is significantly affected by the scheduled works as the traffic congestion and road closures resulting from the construction of HS2 in Aylesbury Constituency and surrounding area will cause problems in carrying out his job within his constituency as access will be difficult when crossing the constituency with delays as a result of diversions and closures. A significant number of your petitioner's constituents are persons who live in properties which will be compulsorily acquired, or if not being compulsorily acquired, are located within close proximity of the high speed railway and associated construction sites and will therefore be severely affected by the works authorised by the Bill to which your Petitioner objects for the reasons set out below. Your petitioner represents the views of the residents and businesses that are affected by the Bill and in particular those residents who are not able to petition themselves. Your petitioner respectfully requests that he be heard by the select committee which considers the Bill, both as a private citizen whose place of residence will be impacted by construction of HS2 and as a Member of Parliament representing the views of his constituents.
8. Your petitioner objects to all the impacts of the surface works and operation of the railway within the Aylesbury Constituency and those which fall within Buckingham Constituency but will impact upon the settlement of Aylesbury in particular the works (2/22 to 2/52), the land acquisition and its designated uses, the highways and electrification changes, as listed in Schedule 1, 3, 4 and 5 of the Bill, and in the parishes of inter alia Wendover, Stoke Mandeville, Ellesborough, Aylesbury, Coldharbour, Great and Little Kimble cum Marsh, Stone with Bishopstone and Hartwell, Beldlow cum Saunderton, Bradenham, Lacey Green, Princes Risborough and Weston Turville.

#### **Impacts on Aylesbury Constituency**

9. **Building a high speed railway in the AONB**
  - 9.1 There are a great number of issues of concern to your Petitioner that arise from the works set out in the Bill and a great deal of irreversible damage and destruction will be caused to the protected Chilterns AONB and the daily lives of a great number of your petitioner's constituents will be severely adversely affected as a result of the Bill. The Chilterns AONB is a statutorily protected landscape under Section 85 of the Countryside

and Rights of Way Act 2000 ("CROW") and is further protected under the National Planning Policy Framework and the European Landscape Convention. AONBs are areas which are of high scenic quality which are protected in order to conserve and enhance the natural beauty of the landscape. Once built, HS2 will permanently and forever damage and breach the Chilterns AONB which is the only AONB on the entire route of HS2 (Phase 1 and Phase 2). HS2 bisects the AONB at its widest part. Between Mantles Wood and Wendover the proposed route is on the surface for 11.3km and includes sections in shallow cuttings, on two 500m long viaducts, on embankments and in two cut and cover ("green") tunnels which are as damaging as a surface route. Less than half of the AONB is currently in bored tunnel. In your Petitioner's constituency lie the only sections of the AONB not to be in either tunnel or deep cutting with two high viaducts and embankments currently being proposed.

9.2 The AONB receives over 50 million visits per year with the significant revenue that this brings to the small villages and towns and is the largest area of unspoilt countryside closest to London left in the South East of England. The value of the damage to this national asset as a result of the construction and operation of HS2 through it will be enormous. The operation and construction of HS2 will have severe adverse effects on the social, environmental and economic cohesion of the communities in the area and will permanently and seriously reduce the ability of residents and visitors to enjoy the natural benefits of the AONB. Natural England – the government's advisors on protected landscapes stated that: *"Natural England considers that the significance of landscape effects associated with the Proposed Scheme on the Chilterns AONB is greater than that which is described in Volume 3 of the ES. We advise that further mitigation would be required to moderate these effects in order to satisfy the Government's policy set out in paragraph 116 of the NPPF"*. Natural England also concluded in its ES consultation response that *"It would seem, therefore, that an extended bored tunnel could provide the most effective means of mitigating the landscape and visual effects on the AONB"*.

9.3 The single biggest issue raised in the 21,833 responses to the Environmental Statement Consultation was the issue of damage to the AONB and over 8,000 responses asked for better environmental protection for the AONB by way of a longer bored tunnel. Currently less than half of the AONB is fully tunnelled.

## 10. Noise and Visual Impacts of HS2

10.1 The settlements of Dunsmore, Wendover Dean, London Road in the parish of Wendover, the village of Wendover and the settlement of Nash Lee Lane will all suffer from significant noise and/or visual impacts during construction and operation of HS2. HS2 Ltd's own calculations show that properties in Wendover Dean, London Road in the parish of Wendover, the village of Wendover and the settlement of Nash Lee Lane will suffer a significant increase in noise levels while residents of Dunsmore are concerned by the visual impact of HS2 as it crosses an 18m high viaduct. St Mary's Church in Wendover, which recently underwent a £1 million redevelopment, and is an important local concert venue and Wendover House School, which educates children with behavioural problems, are two of many individual properties which will be affected by noise from both construction and operation of HS2.

10.2 The village of Stoke Mandeville will be significantly affected by noise and the visual impact of HS2. HS2 Ltd's own noise maps show almost every property on Old

Risborough Road suffering from severe adverse effects from HS2 with many other properties in the village also suffering an increase in noise levels. The inclusion of a maintenance loop in close proximity to the village will also result in increase in noise levels at unsociable hours.

10.3 Your Petitioner is extremely disappointed that despite HS2 Ltd being aware of the need to provide significant mitigation in the Hawkslade and Walton Court areas of Aylesbury which are in very close proximity to the line no adequate proposals have been brought forward. Under the current proposals a significant number of properties, despite the inclusion of 5m high noise barriers, will experience a significant increase in noise levels due to HS2.

10.4 The Parish of Coldharbour (commonly referred to as Fairford Leys) will suffer significant visual intrusion as a result of HS2 with the photomontages of planting in the Environmental Statement showing saplings rather than semi mature trees. The planting of saplings will not provide adequate visual screening from day one of operation of the railway.

## 11. **Lost Heritage**

11.1 The ruins of St Mary's Church at Stoke Mandeville will be destroyed by HS2.

## 12. **Traffic and Road Closures**

12.1 Your Petitioner is concerned by the number of road closures and diversions in Aylesbury constituency and by the volume of construction traffic which will run on roads which are unsuited to both HGV and other construction vehicles and will be unable to withstand the high levels of lorry movements as set out in the Environmental Statement. Your Petitioner has the following particular concerns:

- Compounds within the constituency are estimated to be in place for up to 7 years with in certain locations up to 710-730 two-way Heavy Goods Vehicle trips per day during busy periods.
- Construction traffic (HGVs, LGVs and cars) will put immense pressure on the following roads: A413, A4010, A418, A41, B4009, Small Dean Lane and Rocky Lane.
- The main roads in the parishes of Bledlow cum Saunderton, Bradenham, Lacey Green and Princes Risborough will be significantly affected by HS2 construction traffic with only minor roads as alternatives.
- Journey times will be substantially lengthened leading to a major loss in amenity both in terms of rendering daily life stressful and unpleasant when making journeys to work and school as well as creating risks regarding access and reaction times for emergency and blue light services.
- The changes to the roads designated as construction traffic routes (eg road widening, damage to road surfaces etc) will alter the character of the area and your Petitioner could see no requirement in the Bill that they be returned to their original state after use. This should be remedied.

- There will be wear and tear, and degradation to the highways as a result of prolonged use by construction traffic which will increase road maintenance costs.
- There will be detrimental effects to local business due to issues with suppliers accessing many areas and there will be a resulting reduction in visitor numbers during the many years of construction and traffic disruption.
- The economic impact of construction of HS2 on the town of Aylesbury will be significant. Many of the main approach roads to Aylesbury, which are already congested due to the lack of a by-pass, are scheduled to be used by HS2 construction traffic which will cause significant delays for other road users. The roads to the south and west of the town are scheduled to be crossed by HS2 leading inevitably to further disruption.
- The significant increase in construction traffic along blue light routes in Buckinghamshire will have a significant impact on the wellbeing of those requiring hospital treatment. In Buckinghamshire the main road networks run west to east, however, the healthcare services in Buckinghamshire are provided on a north south axis. This means those requiring Accident and Emergency treatment at Stoke Mandeville Hospital, which is the Accident and Emergency centre for the whole of Buckinghamshire, will have to travel on a road network will be significantly impacted by HS2 construction traffic and works. Your petitioner is also concerned that HS2 Ltd do not appear to have taken into account the views of the local NHS Ambulance Trust when devising routes for construction traffic. The Trust has said "the ongoing works will cause disruption and extensive diverts to our ability to respond to emergency calls."
- Wycombe Hospital has specialist cardiac and stroke units. Your petitioner is concerned that HS2 construction traffic will result in significant delays for those requiring emergency treatment at either of these specialist units who have to travel to Wycombe from places further north in the County.

### 13. Code of Construction Practice

- 13.1 Your Petitioner is concerned that the nominated undertaker's ongoing accountability regarding construction practice is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective. However, the Code of Construction Practice has no legal status and could be unenforceable and remain unmonitored.
- 13.2 Your petitioner is also concerned by the terms "reasonably practical or otherwise permitted" which suggests in certain areas HS2 Ltd will not be implementing the best possible standards.

### 14. Compensation

Your Petitioner is concerned about the effects on the property values of his constituents living in proximity to the line. Property values are depressed in the areas near to the line

and a number of communities will suffer further blight when construction works begins. This is a very great cause of concern, stress and anxiety to constituents who wish to sell their homes and are trapped with little hope of any compensation. Only a minority of those constituents currently suffering blight are compensated and a number of areas are beginning to suffer property degradation where buildings have been purchased by HS2 Ltd and are beginning to dilapidate.

## 15. Speed

- 15.1 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).
- 15.2 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 Environmental Statement assessed the additional travel time from London to Birmingham were speeds limited to those of HS1 to be 4.5 minutes.
- 15.3 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. 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.
- 15.4 Your Petitioner requests that Parliament direct the Promoter to adopt a 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. 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

## 16. Spoil and Waste Management

- 16.1 Your Petitioner is concerned about the effect on his constituency of dust, dirt and run-off from the temporary spoil heaps which constitute a nuisance and health hazard. Dust will limit the use of outdoor spaces and will lead to dirt and dust on the exterior of houses. It could also cause severe pulmonary problems in vulnerable residents. Your Petitioner is also concerned about the deposit of spoil on local roads used as construction routes which will make roads dangerous.

## 17. Balancing Ponds

- 17.1 Your Petitioner is concerned that no provision has been put in place to monitor water which is collected in balancing ponds which could be polluted and cause significant environmental damage as well as be a danger to public health.

**18. Proposed Remedies – Dunsmore, Wendover Dean, London Road; Wendover and Wendover**

**An Extended Tunnel through the Chilterns AONB**

- 18.1 Almost all of the issues raised in this petition in relation to the settlements of Dunsmore, Wendover Dean, London Road in the parish of Wendover and the village of Wendover can be addressed by your Petitioner's request for an extended bored tunnel through the whole of the AONB which would give the AONB the protection it deserves. The green tunnel route proposal put forward by Chiltern District Council in association with Aylesbury Vale District Council, Buckinghamshire County Council and the Chilterns Conservation Board set out in a report by Peter Brett Associates would provide the greatest environmental protection to the AONB.
- 18.2 If this is not accepted by Parliament the alternative bored tunnel extension put forward by Chiltern Ridges Action Group (CRAG) referred to in the Environmental Statement as the CRAG T2 (and accepted by HS2 Ltd and DfT as being feasible in engineering terms and environmentally preferable) would address some of the issues and would present a fallback position. It would be important to ensure that the village of Stoke Mandeville did not suffer any additional adverse effects from the location of the northern portal of an extended tunnel.
- 18.3 Your Petitioner contends that a longer bored tunnel throughout the AONB would be a cost effective way of avoiding long term environmental damage and severe construction disruption as the problems identified below will otherwise need to be addressed in your Petitioner's constituency at considerable cost but with a less satisfactory environmental outcome.

**Alternative Remedies Should an Extended Tunnel through the Chilterns AONB not be put in Place**

- 18.4 Should an extended tunnel through the Chilterns AONB not be put in place your petitioner believes the green tunnel at Wendover should be extended to provide adequate noise and visual mitigation for the village. Both the Wendover Dean and Small Dean viaducts should also be enclosed or the noise barriers increased to provide improved noise mitigation.
- 18.5 Your petitioner believes serious consideration should be given to realigning the A413 between Wendover and Great Missenden as has been proposed by residents of London Road in the parish of Wendover. However, it would be important to ensure that any realignment did not unreasonably adversely impact other communities in the local area.
- 18.6 An extension of the bored tunnel through the AONB would greatly reduce the property blight in the Wendover area. However, your petition would request that additional consideration is given to including more generous compensation arrangements, in particular for properties located on Ellesborough Road and Bacombe Lane. Further information is available in paragraph 26.

## **19. Proposed Remedies – Stoke Mandeville**

- 19.1 Your petitioner has received very strong representations from both Stoke Mandeville Parish Council and the Stoke Mandeville HS2 Action Group stating that HS2 Ltd should prioritise noise mitigation over visual impact and your petitioner requests that HS2 Ltd review their mitigation proposals for the Stoke Mandeville area taking this preference into account.
- 19.2 Your petitioner also requests that earthworks currently scheduled to end north of the A4010 Risborough Road should be extended south past the A4010 to help provide additional noise and visual mitigation.
- 19.3 The human remains and artefacts recovered from the site of St Mary's Church should be moved to a vault which is to be situated in Stoke Mandeville village and financed by HS2 Ltd. Your petitioner believes it would be unfair for local people to have to suffer the destruction of the local area alongside local history.
- 19.4 Your petitioner requests that the maintenance loop be relocated to a location closer to Old Oak Common. Should this not be accepted, HS2 Ltd should be instructed to improve the mitigation measures in the vicinity of the maintenance loop including increasing the height of noise barriers which should be screened by tree planting. Measures should also be included to ensure light pollution from the maintenance loop is kept to an absolute minimum.

## **20. Proposed Remedies – Hawsklade and Walton Court**

- 20.1 It is essential that either further mitigation measures, including consideration to raising the height of the noise barriers or the inclusion of a cut and cover tunnel, are seriously considered to ensure that the impact on this area of Aylesbury is kept to an absolute minimum. Should it not be possible to include additional mitigation measures your petitioner requests that the compensation measures are amended to ensure that those affected by HS2 in this area of Aylesbury receive full compensation for any losses they suffer that are attributable to HS2. Further information on compensation is included in paragraph 26.

## **21. Proposed Remedies – Fairford Leys**

- 21.1 Your petitioner requests that a new wooded area be created in the vicinity of Fairford Leys using semi mature trees to help provide visual screening of HS2 from day 1. Should HS2 Ltd believe semi mature trees are unsuitable then fast growing saplings should be planted in order to provide adequate visual screening as soon as possible.
- 21.2 Your petitioner also requests that the National Trust's proposals for a land bridge are included within the Scheme. The inclusion of this land bridge while having clear environmental benefits would also help provide further screening for the residents of Fairford Leys.

## **22. Proposed Remedies – Balancing Ponds**

- 22.1 Your petitioner requests that a system of monitoring is put in place to ensure that any water that collects in balancing ponds is not polluted and that this message is communicated to local residents. Should any of the water found to be polluted

immediate action should be taken by HS2 Ltd to ensure there is no risk to public health and environmental damage is kept to a minimum.

### **23. Proposed Remedies - Traffic and Road Closures**

- Binding undertakings on traffic management should be included in the Bill to minimise the negative impacts – preventing construction traffic from using public roads by requiring a new access road direct from the “trace” of HS2 to the A413 for construction traffic and materials and prohibiting the use of existing local roads for construction traffic between compounds, in particular during peak periods and on especially unsuited roads. Your Petitioner requests that the nominated undertaker should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and your Petitioner.
- The Stoke Mandeville by-pass should be completed before any construction works begin or road restrictions are put in place.
- Ensuring that the hours for the movement of construction traffic are limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles, and other miscellaneous related matters.
- Binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforceable by environmental health officers.
- Risk assessments should be completed by the nominated undertaker, relevant statutory undertakers and emergency services in relation to the access and transport issues raised by construction activity for each Community Forum Area. Your Petitioner requests that the results of the risk assessment should be available to the public.
- A “park and ride” scheme should operate for construction workers along the trace of HS2 enforced by prohibiting parking for contractors at or near the construction compounds.
- Appropriate funding should be provided by the nominated undertaker to the highway authority for the maintenance, repair and re-instatement of highways required as a result of use by construction traffic. Roads used as construction routes should be returned to their original size and character after use.
- HS2 Ltd should meet the cost of supplying a full time air ambulance service if an appropriate traffic management scheme as agreed with the local ambulance and NHS trusts cannot guarantee emergency response times in the area, so that delays from congestion do not result in greater injury or loss of life.

### **24. Proposed Remedies - Code of Construction Practice**

- 24.1 Monitoring bodies should be created for each Community Forum Area to ensure the Code of Construction Practice is being complied with. Each body should contain a least two representatives from the local community and local authority and have the power to halt construction should the nominated undertaker be found to be in breach of the Code of Construction Practice or Local Management Plan. Construction would only be able to

restart once the breach has been rectified to the satisfaction of the relevant local monitoring body.

24.2 Your petitioner requests that HS2 Ltd's Code of Construction practice is subjected to an external audit by an independent expert to determine whether it meets the "exemplar standard" which was applied to the London 2012 Code of Construction Practice. Should the audit recommend alterations to the Code of Construction Practice HS2 Ltd would be compelled to include them.

25. **Proposed Remedies – Spoil and Waste Management**

- Temporary spoil heaps should be covered and watered down on a regular basis.
- Maximum dust exposure limits should be specified, monitored and enforced by the Local Authority and paid for by HS2 Ltd.
- HS2 Ltd should be responsible for the costs of cleaning the exterior of properties and punitive compensation for contravention of limits.
- Temporary spoil storage should not be within 200m of the curtilage of residential properties or ancient woodlands.
- Temporary spoil sites and construction sites should be fully restored and this should be a provision of the Bill.
- HS2 Ltd should meet the medical costs of any resident who suffers respiratory problems or illness as a result of the proximity of dust/dirt piles.

26. **Proposed Remedies – Compensation**

- The Voluntary Purchase Zone boundary should be varied along the route to ensure that those most affected by HS2 have the automatic option to sell their property to HS2 Ltd.
- All compensation schemes should be available to property owners who own a single property but who do not reside in it as well as owner occupiers.
- Funding is to be provided for businesses affected by either construction or operation of HS2 who need to relocate due to HS2.
- The "need to sell" scheme should not include a hardship criteria.
- A property bond should be introduced to those communities which are particularly badly affected such as Wendover and nearby villages, Stoke Mandeville and Aylesbury, where there is no hope of sales for years for those near to the line.
- Property owners should be compensated for loss in market value not just nuisance under Part 1 compensation under the Land Compensation Act.

27. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your

Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER THEREFORE HUMBLY PRAY 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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c

---

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013- 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF Rt Hon David Lidington MP

AGAINST, By counsel, &c

Rt Hon. David Lidington MP

FC 111