

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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 GREAT AND LITTLE KIMBLE CUM MARSH PARISH  
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 (“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 Petitioner is the Parish Council of Great and Little Kimble cum Marsh, which covers an area at the foot of the Chilterns Area of Outstanding Natural Beauty in the Vale of Aylesbury and consist of flat and gentle rolling countryside. It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property from some of the residents of your Petitioner, to which it objects and in accordance with the standing orders of your honourable House notice has been served on your Petitioners' residents of the intention to seek such compulsory powers.
8. Your Petitioner and its rights, interests and property will be injuriously affected by the provisions of the Bill, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.
9. Your Petitioner is concerned that the Parish of Great and Little Kimble cum Marsh and its residents will be significantly and adversely affected by both the construction works and the operation of the scheme. The proposals in Volume 2-CFA11 will have major consequences on the Parish and its residents.

## **Severance of Aylesbury, and the proposed A4010 Stoke Mandeville Bypass**

10. The town of Aylesbury will be cut off from a large number of residents of the Parish of Great and Little Kimble cum Marsh as a result of the scheme. The effects of the new A4010 Stoke Mandeville Bypass (A-road) to access Aylesbury have not been properly and fully considered within the Environmental Statement. The noise will be constant and intrusive to local residents. Within the Environmental Statement, topographically it appears that the new road will run towards or on top of a rise. Your Petitioner is therefore concerned that it is unprotected, and road noise will carry a considerable distance to the South. The initial noise maps included within the Environmental Statement appear to only take the railway into account and do not seem to relate to the A-road. Your Petitioner would request that further details are provided in this respect. The construction of this road has the potential to cause significant environmental damage to your Petitioners Parish. Appropriate justification measures for the new A-road are not currently included in the Environmental Statement. Furthermore there does not appear to be acceptable mitigation works for the new A-road as it is currently proposed.

11. Your Petitioner would also request that consideration is given and provisions should be made for a new Cycle Path and Bridleway to run alongside the new A-road to be incorporated into the new scheme. Your Petitioner would also like to raise the issue that in the past, utility companies have stated that they

may consider the burying of power lines in the event that a major infrastructure project arose. Your Petitioner would consider that such an opportunity has arose by the scheme and would request that consideration is given to relocation of these unsightly pylons that run across agricultural land and bury these power cables along the line.

### **Water Courses**

12. Your petitioner requests that the chalk streams and brooks that run through the Parish are treated with particular care to ensure they are not permanently affected by the scheme. It is unclear within the Environmental Statement what measures have been put into place in respect of these water courses and who will be responsible for this in the event that excavation works stop, divert or contaminate the flow. Measures need to be put in place to ensure that the integrity of the water courses are preserved and maintained and your Petitioner will require hydrology reports to confirm this.

### **Extent of Land Take**

13. Your Petitioner does not own the freehold of the land, however is petitioning to bring to your honourable attention the effects that the scheme will have on its residents.

14. Your Petitioner is particularly concerned by the possibility of land being acquired permanently for a temporary purpose and considers it inappropriate

for the Bill to contain compulsory purchase powers in respect of its residents land when the Nominated Undertaker's requirement is for a temporary use only.

15. Your Petitioner also wishes to ensure that its residents are properly compensated as regards the acquisition and use of their land, and are concerned to note that the compensation regime proposed by the Bill is inadequate and needs improvement.

16. Your Petitioner's Parish will be injuriously affected by the provisions of the Bill.

Across the Parish there is land which is being acquired under compulsory purchase measures, however the Parish does not own any of the Property itself. The Parish is identified in the Environmental Statement that accompanies the Bill ("the ES") as being affected by Phase One of HS2. Throughout the Parish a number of the main roads will be used for construction traffic. According to the Environmental Statement the A4010 Risborough Road and the new A4010 New Stoke Mandeville Bypass will be used for construction traffic. Therefore the residents of the Parish will be significantly affected by traffic congestion. The Bill contains wide ranging powers to enable the Secretary of State to acquire land compulsorily outside the limits of land to be acquired under the Bill for purposes including regeneration and because of the proximity of the Parish to Phase One of HS2, those powers are likely to be used in relation to the Parish, causing unnecessary blight.

17. Balancing ponds will be introduced to control the rate, volume and quality of runoff. Your Petitioner is concerned that the drainage schemes off the new road and rail lines will feed in to local water courses and flood property downstream. Measures need to be put in place to ensure that the integrity of water courses are preserved and maintained.

#### **Maintenance of bunds and made-up ground**

18. It is clear from the draft Environmental Statement that there will be significant lengths of bund, made-up ground, "sustainable placement" and ground reprofiling alongside the proposed railway, much of it on good quality agricultural land. This will affect many of your Petitioners residents and therefore your Petitioner believes that they have individually responded with their specific concerns. Your petitioner would request that the surplus spoil and material is used to create natural earth sound barriers in order to help keep the noise pollution to a minimum and furthermore to provide screening in order to keep the impact to the landscape to a minimum.

19. In your Petitioner's submission, the Bill should be amended so as to include a provision requiring the Nominated Undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered in that way and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

### **Accommodation works**

20. Your Petitioner and its residents will be severed as a result of the construction of the scheme and the associated proposed works. Accommodation works in general and crossing points in particular are matters of significant importance for your Petitioner. Well-designed accommodation works which meet your Petitioner's residents needs are likely to reduce substantially those resident's claim for compensation. HS2 Ltd or the Nominated Undertaker should, at a very early stage, seek to agree a specification for accommodation works with your Petitioner and its residents. For crossing points, such a specification might include the width, height, weight limit and final surface. Once agreed, the specification should be binding on the Nominated Undertaker.

21. Your Petitioner proposes to your honourable House that HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with your Petitioner and its residents suitable specifications for accommodation works where they are required as a result of the construction of the Authorised Works, and that the specification, once agreed, will be binding on the Nominated Undertaker.

### **Severance and hedgerows**

22. The severance of agricultural land by such a long linear scheme will result in some of your Petitioner's residents fields being left in awkward shapes. A common element of a claim for severance is the cost of removing hedges and

fences in order to re-shape fields into a sensible layout. Since the introduction of the Hedgerows Regulations 1997, the removal of any hedge which is more than 20 metres long requires the consent of the local planning authority. This will add time, cost and uncertainty for farmers and landowners within your Petitioner's Parish.

23. Your Petitioner proposes to your honourable House that the Hybrid Bill should be amended to provide that the Hedgerow Regulations 1997 do not apply to hedges which have to be removed to allow the reasonable re-organisation of field boundaries where land has been acquired by HS2.

#### **Compensation, generally**

24. The compensation regime set out in the Bill is inadequate and must be improved. In any event, any payment of compensation that is due to your Petitioner must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

25. Your Petitioner has also noted that there is no compensation mechanism provided for those residents who are suffering from either temporary or permanent loss of amenity from years of construction chaos, and the subsequent operation of the scheme, unless personal hardship can be proven. Your Petitioner would request that this specific point is given further consideration.

26. The current proposed compensation arrangements for the significant Environmental damage that the scheme will cause are simply inadequate.

27. Your Petitioner believes that HS2 should make contributions to the Parish for local improvements such as planting, traffic calming and small local schemes to mitigate the impact of the Scheme including the new A-road.

### **General**

28. 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 Petitioner 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.

A handwritten signature is enclosed within a rectangular box. The signature is written in cursive and appears to be 'J. J. ...'.

Agent for Great and Little Kimble cum Marsh Parish Council

HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST  
MIDLANDS)

P E T I T I O N

of

GREAT AND LITTLE KIMBLE CUM MARSH  
PARISH COUNCIL

AGAINST,  
BY COUNSEL, &c.

Agent for the Petitioner