

IN PARLIAMENT

HOUSE OF

COMMONS

SESSION

2013 - 2014

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 PENELOPE MARION GAINES

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.

The Petitioner

7. Your Petitioner is Penelope Marion Gaines (hereinafter referred to as "the Petitioner"). She now lives in Dorset, but lived with her family in Quainton, Buckinghamshire for over a decade. Her children went to primary school in Quainton and secondary schools in Waddesdon and Aylesbury (the catchment area secondary modern and grammar schools). Consequently the family has many friends and acquaintances in Quainton, Waddesdon, and the surrounding areas. According to HS2 Ltd maps, her home was over 1.5km from the HS2 line.
8. It was while your Petitioner lived in Quainton, that HS2 was announced, and on the day of the announcement she told the chair of the Parish Council about it: he had not previously been informed of it.
9. Although her initial concern was about noise (occasionally trains passing to Calvert could be heard from her house, even though the line was around 1.5km away), she read up many documents about high speed rail and HS2 in particular. It was while reading these documents that she became convinced that HS2 was a vanity project and she helped set up Stop HS2 in June 2010. She was subsequently elected chair of Stop HS2.
10. HS2 has no economic case, as the economic benefits are based on the idea that time on trains is wasted. HS2 has no environmental merits, due to the immense environmental damage it causes along the route which is made worse by the carbon emissions due to building it. (Although initially, HS2 Ltd claimed HS2 was likely to be carbon neutral, they now say that after 60 years of operation – in 2086 – the operation of HS2 will still not have offset the carbon costs of construction.) In addition, HS2 represents a huge cost to the taxpayer: the headline cost of £50 billion (increased in 2013) is approximately £2000 per taxpayer but many contracts have already gone massively overbudget. It seems likely HS2 will only get more expensive, given that a report by the incoming chair David Higgins which was supposed to look into cost savings concluded that parts of the project should be dropped while keeping to the same budget.
11. Your Petitioner has spoken to a great many people about HS2, and the way that HS2 Ltd interacts with people who are affected. This has been appalling, and it seems to your Petitioner that this attitude started with senior management and has been endemic since HS2 was announced. While HS2 might just be a job

for the people who are paid by HS2 Ltd and the Department for Transport, for many of the people who are affected by HS2 through no choice of their own, it has a devastating affect on them and their lives, from which they no escape. Communities and individuals have been treated as inconveniences to be fobbed off, not people to be engaged.

12. What's worse is that some people employed to promote HS2 have treated individuals who are affected by HS2 (by no choice of their own) as opponents to be attacked and defeated.
13. A 2013 report by Spinwatch reported that the lobbyists for the Campaign for High Speed Rail used a tactic described by one of the lobbyists "shit them up". (See <http://www.spinwatch.org/index.php/issues/more/item/5458-the-local-lobby-and-the-failure-of-democracy>) Although the Campaign for High Speed Rail was a separate organisation, at least one dinner they held was attended by then Secretary of State for Transport, Philip Hammond. Unfortunately a "shit them up" attitude has permeated HS2 Ltd senior staff. This is in spite of two changes of Secretary of State for Transport. While local organisations and individuals entered the community forum program in good faith, as a way of mitigating the scheme, senior HS2 Ltd staff used the forums to bully and mislead the attendees. This attitude is not restricted to the community forums, but has also been evident in other interactions between HS2 staff and the public.
14. Although there have been two changes of Secretary of State for Transport since Philip Hammond, there has been no apparent change of attitude from HS2 Ltd staff. Your Petitioner believes that the attitude from HS2 Ltd is so poor that the company should be wound up and the scheme should be looked at anew.

General Concerns about the scheme

Disapplication of statutory closure provisions

15. Your Petitioner notes that Clause 39 removes the normal procedure, laid out in the Railways Act 2005, for closing any existing railway line, railway service or station if ministers deem its closure "necessary or expedient" for HS2. Given that this may result in a permanent closure (there is no requirement for re-instating the service) your Petitioner believes this clause should be removed.

Compulsory acquisition of land for regeneration or relocation

16. Your Petitioner notes that Clause 47 allows the Secretary of State to compulsory purchase land anywhere and at any time if the Secretary of State considers that the construction or operation of Phase One of HS2 gives rise to a regeneration or development opportunity. Given that Department for Transport documents suggest HS2 will cause widespread economic growth in areas ranging the south coast to Scotland, this effectively allows him or her to purchase land anywhere. Your Petitioner requests this clause should be removed from the Bill.

Woodland

17. Your Petitioner has been a member of the Woodland Trust for decades. She therefore supports entirely any petition by the Woodland Trust.
18. Your Petitioner is concerned that The Promoter has completely ignored the following statements, advice and statues
 - a. It is a stated policy of the Defra/Forestry Commission statement on ancient woodland Keepers of Time that "existing areas of ancient woodland should be maintained". This implies that there should be no further losses of this habitat.
 - b. The National Planning Policy Framework (NPPF) requires that loss of ancient woodland should not be permitted "unless the need for, and benefits of, the development in that location clearly outweigh the loss". No consideration of whether the HS2 proposal satisfies this test has been given in the Environmental Statement, or elsewhere.
 - c. The Natural England and Forestry Commission publication Standing Advice for Ancient Woodland and Veteran Trees advises, in paragraph 6.1, that where proposals "seek to address issues of loss or deterioration of ancient woodland veteran trees", measures that rely on mitigation or compensation "should be issues for consideration only after it has been judged that the wider benefits of a proposed development clearly outweigh the loss or damage of ancient woodland".
19. Your Petitioner is concerned about the impact of the HS2 scheme on ancient woodland. Ancient woodland has been continuously wooded for at least 400 years, and is an irreplaceable national resource of great importance for its wildlife, soils, recreational uses, cultural value, history and the contribution it makes to our diverse landscapes. Your Petitioner is particularly concerned about the extent of loss of ancient woodland and harm to biodiversity that will result from the Bill as currently proposed and the impacts of the construction of works and other proposed activities on ancient woodland.
20. Your Petitioner asks that the Bill should not become law unless proposals are brought forward by HS2 which significantly reduce the extent of loss of ancient woodland. Because ancient woodland is irreplaceable, its loss cannot be mitigated, only compensated for. Your Petitioner is very concerned that the compensation measures proposed by the Promoters are inadequate. Where limited loss is inevitable greater compensation should be provided and it should be guaranteed for the future.
21. Your Petitioner is also concerned about indirect effects on ancient woodland from the construction of HS2 including adverse impacts from noise, light and air pollution, and working within and adjacent to ancient woodland. Further mitigation of these impacts, such as large buffers and relocation of working sites, should be provided if the scheme goes ahead. No ancient woodland sites should be used for temporary construction sites.
22. Your Petitioner is concerned that the scheme will also impact on other areas of old woodland which are not yet designated as 'ancient woodland', as well as ancient trees. Your Petitioner asks that other areas of old woodland are treated with similar concern to woodland designated as ancient woodland.

Light Pollution

23. Your Petitioner has been interested in astronomy since she was a child, and her University degree included a year long module on astronomy. Over the years, she has lived in a number of different places and gazed up at the stars from all of them. Quainton has the darkest skies of any place she has lived, and the starscapes visible with the naked eye are utterly amazing, and far better than anywhere else she has lived. Other places along the proposed route of HS2 also have very low levels of light pollution,
24. If one looked at a map of light pollution in the UK, and compared it to the HS2 route, one might think that the route was chosen to go through the areas of lowest light pollution. Your Petitioner is concerned that HS2 will cause massive light pollution along the route, with knock on effects on wildlife and astronomy. Your Petitioner asks that where extra lighting is unavoidable, the Promoter takes into consideration the current night-time light levels and everywhere uses lighting that is designed to minimise light pollution and light spillage.

Design of bridges, viaducts etc

25. Your Petitioner notes complaints from the building of HS1 that the limited number of standardised styles meant that inappropriate bridges, tunnel entrances etc were used. Your Petitioner asks that the local architectural styles are taken into account so that any such structures blend in well. This would also apply to other features such as fences etc.

Specific Concerns about the scheme

Roads round Quainton

26. Your petitioner is concerned about the changes to the roads from Quainton. Roads to Aylesbury are a vital route to the shops, the nearest train station and other facilities. Your Petitioner is concerned that any analysis done before the developments at Berryfields may be misleading, as many Quainton residents used a shortcut road, known locally as Berryfields Road which avoided the A41. Since the new housing developments there, the shortcut is no more, as the alignment of Berryfields Road has been significantly altered. Your Petitioner asks that the Promoters make sure that any analysis about current road usage is up to date with these changes.
27. Your Petitioner is concerned about the changes proposed to Station Road near the Bucks Railway Centre. This is the route to Waddesdon, where the nearest secondary school is, which was attended by one of your Petitioner's children. Your Petitioner's children have all had music lessons in Waddesdon. Although there are buses between Quainton and Waddesdon, inevitably there have been times when children have had to walk from Waddesdon to Quainton. Sometimes they have started walking and your Petitioner has driven to pick them up midway, other times they have walked the whole three miles. The proposed changes to the roads here mean that for pedestrians the distance they have to walk along the road is considerably longer. While an extra few hundred yards might be all right on a summer's day, on one occasion your petitioner's child walked home from school in the snow, in the dark following an after-school

lesson, hoping the entire time for a lift from Mum. In addition some services are available in Waddesdon which are not in Quainton, such as a post office and Indian takeaway. Your Petitioner asks that the alignment of Station Road is maintained.

28. Your Petitioner would like to point out the unsatisfactory way that the currently proposed alignment was introduced to the village community at a community forum meeting. Although Bucks Railway Centre had given HS2 Ltd detailed plans with the alignment that was adopted, HS2 Ltd staff did not bring these to the meeting. Instead, after describing verbally the changes at the forum, one of the HS2 Ltd staff had to resort to drawing the new alignment on the old plans using a biro.
29. Your Petition also notes that a Photo montage of the before and after view from Station Road bridge produced by HS2 Ltd some time ago was highly misleading. Even if the after picture was accurate, the impression it would give the casual viewer was highly misleading, as it was the view of the existing railway, not the view of the HS2 tracks. The HS2 tracks were hidden in the background of the picture behind trees. Your Petitioner asks that any future Photo montages are not produced in such a misleading way, whether of the views in Quainton or elsewhere.

Changes to the A4421

30. Your Petitioner's elderly relative lives in Milton Keynes. Your Petitioner often using the A4421 between Bicester and Buckingham on the way to drive to see him. Your Petitioner is concerned about the proposed changes to the A4421, as she is worried changes here may cause a danger spot for road users. Your Petitioner asks that the road alignment after HS2 takes into accounts the wishes of local people not just what will be easiest for HS2 Ltd to build.

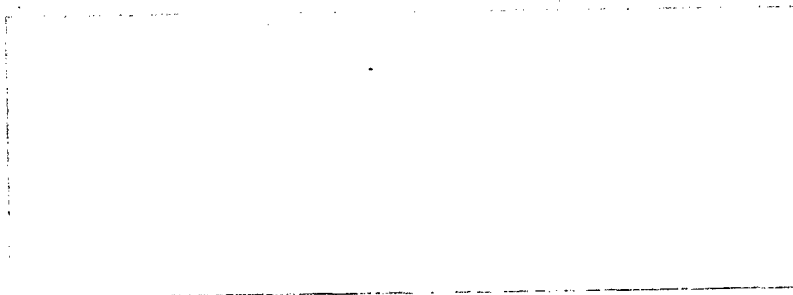
Conclusion

31. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
32. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
33. 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

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SIGNED



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PETITION OF PENELOPE MARION GAINES

AGAINST, By counsel, &c

Penelope Marion Gaines

Read

and

referred