

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - 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 Aylesbury Town Council

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.
- 7 Your petitioners are Aylesbury Town Council. The Bill would authorise the compulsory acquisition of land belonging to your petitioners, to which they object. Furthermore, significant parts of the area for which your petitioners are a local authority will be injuriously affected by the provisions of the Bill, and your petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.
- 8 A number of residents and businesses in your petitioners' area will be injuriously affected by the provisions of the Bill, and your petitioners' area includes roads which are liable, according to the Environmental Statement that accompanies the Bill ("the ES") to be interfered with or used by construction traffic during the construction of the authorised Works.
- 9 Your petitioners have responsibilities for much of the land in its area that will be affected by the Bill, and represents almost 59,000 residents, many of whom will be affected by the works proposed under the bill. This includes properties subject to temporary or permanent compulsory acquisition, highways to be used as major construction routes, footpaths that will be removed, areas of green space that will be lost and areas for use as construction sites, such as the A418 Oxford Road satellite compound.
- 10 During the construction phase noise and dust will be generated by preparatory and construction works in addition to that noise generated by the use of vehicles for the movement of people, materials and spoil into and from construction sites. During the operational phase noise will arise largely from trains passing as close as 250 metres from residents' properties.
- 11 Your petitioners remain implacably opposed to the Bill and the proposals for the high speed railway between London and Birmingham, but despite this opposition have met with HS2 Ltd during the engagement process to discuss, share and resolve issues across the Town. Your petitioners note that the Environmental Statement deposited with the Bill includes a range of proposals to mitigate the effects of the proposed scheme, but remain to be satisfied that the measures proposed and their mitigation effects are adequate.

Adequacy of the Environmental Statement

- 12 Your petitioners, along with many others, took the opportunity to prepare and submit comments about the Environmental Statement, published when the Bill was deposited. These have been the subject of a report by the independent assessor appointed by your honourable House. Your petitioners have major concerns about both the adequacy and accuracy of the Environmental Statement.

- 13 The paucity of information in the Environmental Statement means it is not possible to properly assess the 'worst case scenario', or carry out a comprehensive assessment of the project. Your petitioners are extremely worried that baseline assumptions have yet to be substantiated and suggest therefore that further information is produced to support the Environmental Statement. This should limit the need for phrases such as 'where practicable' and 'where reasonably practicable' and ensure a greater commitment to thorough mitigation.
- 14 It is vital that such deficiencies are addressed by the Bill's promoter, since the draft Environmental Minimum Requirements contain key obligations for the Nominated Undertaker, responsible for constructing and operating the railway, and a number of the obligations are specifically linked to the Environmental Statement and depend upon its accuracy.

Concerns about the Hybrid Bill

- 15 Your petitioners have major concerns about four clauses in the Hybrid Bill that give the Bill's promoter the ability to circumvent or ignore obstacles seen to delay planning, development or construction of the rail line. In short, the clauses can override legal safeguards to protect water supplies, close any railway station or line at a Minister's behest, allow for compulsory purchase orders with no time limit if there is an 'opportunity for development', and establish a new 'right of entry' for HS2 Ltd to enter any property within 500 metres of the line, with refusal to provide entry a criminal offence.
- 16 Specifically, your petitioners highlight Clause 31, schedule 20 that removes key legal safeguards protecting public water supplies. It is believed that these have been lifted because documents state that there is a high risk that the mid-Chilterns chalk drinking water table will suffer deterioration in its 'chemical status' as a consequence of 'sub-water table activities', mainly tunnelling and bridge piling during construction. Your petitioners contend that this is unacceptable and must not be allowed to pass into law.
- 17 Further your petitioners reference Clause 39 that obviates the usual legal procedure for closing a railway line or station if Ministers deem its closure 'necessary or expedient' for HS2. The Railways Act 2005 requires such closures to pass through a complex process, involving long notice periods, transport assessments and consideration of hardship. Your petitioners are concerned that such checks and balances have been discarded by HS2. This is also unacceptable and must not be allowed to pass into law.
- 18 Your petitioners point the Select Committee to Clause 47 that gives Ministers the ability to compulsorily purchase any land if they think that 'an opportunity for regeneration or development' is created by HS2. The clause, with no spatial or time limits, represents a new power unprecedented in the history of infrastructure projects, and one to which your petitioners strongly object. This clause must not be allowed to pass into law.
- 19 The final clause of concern to your petitioners is Clause 51 that establishes a new 'right of entry' for anyone nominated by HS2 to enter any property within 500 metres of the line, with refusal to provide entry a criminal offence. It is of grave concern to your petitioners that this new power does not only apply to Phase 1 but also to any property

near any other potential future high-speed line, even if no separate Bill for it has been published, let alone passed. This too is unacceptable to your petitioners and must not be allowed to pass into law.

Noise mitigation

- 20 Your petitioners are concerned that any proposals to minimise noise impacts during construction depends upon a Code of Construction Practice that currently exists in draft form only. Your petitioners believe that this makes it impossible to be confident about its contents and leaves them unable to test the efficacy of its proposals. To address this your petitioners expect that once the Code of Conduct Practice is finalised it should be subject to further consultation, giving those affected an opportunity to review the standard of protection proposed. Your petitioners do not believe that measures to mitigate the injurious effects of the scheme should be limited for cost reasons.
- 21 Mitigation proposed to minimise the effects of noise during the operational phase of the scheme is described in the Environmental Statement as a combination of earth bunds and screening barriers. Your petitioners are concerned that the height of barriers through the Town, varies so considerably and contend that noise impacts are directly linked to barrier heights.
- 22 Your petitioners believe it reasonable to expect screening barriers of uniform height. The Environmental Statement suggests that the maximum barrier height is five metres, a reasonable standard for the whole of the area, subject to suitable and appropriate design standards. Such a standard should be applied consistently to avoid 'gaps' where noise impacts will be greater.

Train speed

- 23 Your petitioners recognise that the noise and carbon emissions generated by a high speed train varies depending upon the speed at which the train is travelling. Your petitioners, therefore, in agreement with the Environmental Audit Committee, ask that noise levels and carbon emissions are moderated by ensuring trains travel at lower than maximum speeds across Aylesbury. Your petitioners believe that it would be more than reasonable to expect a speed limit of 320 kilometres per hour through the Wendover green tunnel to a point north of Aylesbury, possibly the River Thames viaduct.

Proximity to houses in Walton Court/The Willows

- 24 Your petitioners were pleased to hear Secretary McLoughlin's reference to Aylesbury in his speech on the Bill in your honourable House, since this indicates he is aware of the unique problems that the town faces when presented with HS2. Not least of those difficulties are the noise and visual impacts on residents across the west of Aylesbury, including Hawkslade, Walton Court, The Willows and Fairford Leys. The rail line will run close to many residential properties, whilst others are significantly impacted by the safeguarded zone for construction. A large number of the properties and their residents currently enjoy views looking out over open and tranquil countryside.

- 25 Your petitioners contend that to properly mitigate both noise and visual impacts on this area, a green tunnel should be built. Its starting point could be around chainage 59,500 where the route is close to the deepest part of the Aylesbury Southern Cutting. It could then continue across the west side of Aylesbury to chainage 63,000, thereby not only protecting Hartwell House, but also accommodating the diverted A418 and other rights of way crossings.
- 26 Your petitioners know that residents would much prefer the impacts of a green tunnel compared to the current open embankment and cutting. Building such a green tunnel reusing locally generated spoil would also help reduce the number of HGV movements at the Oxford Road roadhead, cutting expected congestion on this key radial route to and from Aylesbury, and would help minimise costs.

Electricity pylons

- 27 Electricity pylons are a dominant feature on the western flank of Aylesbury. The Environmental Statement suggests that work is needed on the pylons from east of Bishopstone to south of Oxford Road (A418) to increase their ground clearance and avoid conflict with catenaries for the rail line. Elsewhere in the District a Council has been advised that power lines and pylons cannot cross the HS2 line for maintenance reasons. Your petitioners would welcome further clarity on this matter.
- 28 To enable the work currently proposed some properties will be temporarily acquired, a major inconvenience to those residents, who will return to find the pylons and power lines largely unchanged. Your petitioners question the sense of this action and suggest that instead the power lines be undergrounded to reduce both noise and visual impacts on residents who live directly below the pylons. Such action would demonstrate the promoter's understanding of local issues and their desire to manage and mitigate concerns. Cost should not be a valid consideration in this matter.

Land drainage and flooding

- 29 Your petitioners note that the proposed scheme will lead to the establishment of new balancing ponds, planned to deal with the run off from the scheme and high water levels arising from the watercourses in the area. This area has been subject to flooding during the recent adverse weather conditions and your petitioners are concerned that this is not reflected in the Environmental Statement.
- 30 Your petitioners believe that further work is needed to demonstrate that HS2 will not exacerbate flood risk across Aylesbury. They do not consider that the current measures go far enough to address and mitigate the potential for flooding with such a multitude of water courses in this area. Your petitioners contend that the promoter will need to develop and implement a comprehensive package of infrastructure, in conjunction with the County Council and the Environment Agency, to ensure that the risk of flooding is minimised.
- 31 The Environmental Statement does not consider ongoing maintenance of flood or drainage infrastructure. Your petitioners expect, at minimum, a written assurance from the promoter that they will be responsible for maintaining and upgrading these features in perpetuity. Your petitioners are concerned that without adequate maintenance, over time they will cease to operate effectively.

Transport impacts across Aylesbury

- 32 Your petitioners, in common with Stoke Mandeville, Coldharbour and Stone with Bishopstone and Hartwell Parish Councils and other local authorities, are extremely concerned about the anticipated, albeit estimated, impact on construction traffic on Aylesbury and the surrounding area. A collective view of petitioners is that your Honourable House would benefit from a site visit to Aylesbury to learn first-hand how susceptible the town's traffic network is to minor changes. Major congestion or closure on a single radial route, most recently during flood events, had significant impacts on journeys on every other radial route into and out of the town.
- 33 The Environmental Statement suggests that to construct the rail line across Aylesbury will mean construction vehicles using the A413 from Great Missenden, the A4010 from High Wycombe and Princes Risborough, the A418 from Thame, the A41 from Bicester and the A418 from Wing and Bierton as construction routes. Your petitioners ask that your Honourable House note this affects five of seven radial routes into Aylesbury.
- 34 Further, the Environmental Statement states that the A418 and its roadhead, south of Oxford Road, will face managing an extra 730 Heavy Goods Vehicle (HGV) movements in each 12 hour working day during the busiest two year period. Assuming there are no time restrictions imposed, that works out on average one HGV every minute. A further consequence of construction traffic in the town is the assessment that every junction on the A41 from Aylesbury Vale Parkway station to the inner ring road will suffer additional congestion. Your petitioners have little confidence in the Transport Assessment and the assumptions it uses, and therefore believes that the true impacts will be significantly greater, creating effects across a much wider area and potentially changing travel patterns and behaviour for many months and years.
- 35 Your petitioners appreciate that to build HS2 will require the import and export of significant quantities of materials and equipment over a long period of time. They also recognise the limitations of the road network in the town, served as it is by a number of radial routes converging in the centre. They do believe, however, that the promoter of a major rail infrastructure project should be looking at alternatives to road for moving its materials and equipment. Your petitioners suggest that a better alternative, would be to use the existing railway from High Wycombe and Princes Risborough to Aylesbury, already used for freight, and create new temporary sidings on the south-west corner of Aylesbury. These would serve areas to the north and south along the planned line of route and significantly reduce construction traffic across Aylesbury.

Rat-running

- 36 An aspect overlooked in the Environmental Statement is the potential use of minor and residential roads across Aylesbury as alternatives to the main radial routes, colloquially known as 'rat-running'. This was not considered because it was assumed that there would be no 'reassignment' of traffic from main to minor roads. In other words the Transport Assessment maintained that every driver waiting on a congested route would choose to wait in the traffic queue rather than find an alternative route for his journey. Your petitioners suggest that this does not reflect reality.

- 37 Aylesbury already suffers from rat-running at busy times or when a radial route becomes congested. Based on their experience, your petitioners are convinced that Coldharbour Way, Ellen Road, Churchill Avenue, Meadowcroft and other roads further away, including through surrounding villages, will become rat-runs as drivers seek to avoid Oxford Road, Bicester Road, Bierton Road, Wendover Road and Lower Road. This is unacceptable to your petitioners, especially as so many residents across the town are reliant on reasonably reliable, punctual and frequent public transport services.
- 38 The ideal remedy would be the suggestion detailed above, making better use of the railway from High Wycombe and Princes Risborough. Your petitioners do not believe, however, that this will address all congestion issues and therefore expects the promoter to work with the County Council and other local representatives to develop a robust and comprehensive traffic management plan that avoids peak time vehicle movements and ensures the network around Aylesbury operates effectively.

Support for realignment of A4010

- 39 The inclusion of the realigned A4010 in the Environmental Statement, referred to by Mr Secretary McLoughlin in your honourable House as the Stoke Mandeville bypass, is testament to the work of local people in meetings with the Bill's promoters. The reason for realigning the A4010 is to avoid unnecessary major structures, reduce traffic impacts and maintain access for ambulances between Wycombe and Stoke Mandeville Hospitals.
- 40 Your petitioners support Stoke Mandeville Parish Council and the proposed realignment in all but one aspect, namely the northern junction with Lower Road. The proposed roundabout junction should be designed in such a way to avoid demolishing a property unnecessarily. Indeed, moving the road closer to Aylesbury and north of the business park would avoid demolishing 30 Lower Road and might, in the future, support improved access to Stoke Mandeville Hospital and southern Aylesbury.
- 41 The new road will inevitably affect travel patterns across Aylesbury and your petitioners therefore expect a comprehensive signage strategy, prepared in conjunction with the County Council, to ensure that new routes are clear, legible and understood by the travelling public.

Management and monitoring

- 42 Traffic impacts across the town will only be minimised if any agreed remedies are not only implemented, but also managed and monitored throughout the construction period, and in certain instances beyond. Your petitioners are not convinced that the current draft Code of Construction Practice offers sufficient guarantees and assurances that the promoter or Nominated Undertaker will be bound by routing agreements, operating hours or banned routes. They are even less convinced that others such as sub-contractors or local workforce will be required to follow such stringent requirements.

- 43 Your petitioners humbly request that your Honourable House require the promoter, Nominated Undertaker and all others involved in building HS2 to follow the Code of Construction Practice and Local Environment Management Plans, once developed (with the threat of penalties for breaches), to give local residents more confidence that there are checks and balances in place despite the size of the project.

Visual mitigation and landscaping

- 44 Your petitioners share the concerns of neighbouring Councils about the inadequate visual mitigation and landscaping across the Community Forum Area from Stoke Mandeville in the south to Lower Hartwell in the north. Despite representations from the Councils and others (including the National Trust) about this matter throughout the engagement process and numerous consultations, with suggestions varying from a fully bored tunnel through to a green tunnel or series of land bridges, few if any changes have been made by the promoter. As a result residents across west Aylesbury face watching a new hill being created in a largely flat and open landscape.
- 45 Your petitioners are extremely worried that such a feature will be out of place without appropriate screening or mitigation. The current proposal would see a security fence sited at the crest of the 'hill' restricting access to the countryside beyond and doing little to reduce noise impacts. It is also highly likely that the catenaries and other rail infrastructure will be visible to many particularly those living closer to Oxford Road. Your petitioners do not believe that this is acceptable and humbly request that the proposed feature be 'capped' with a concrete lid, to create a green tunnel. This is believed to be the only acceptable way to reduce noise, limit visual intrusion and maintain access to the countryside beyond.
- 46 As previously stated, this remedy could extend from near the Princes Risborough railway line through to a point adjacent to the Thame Valley viaduct and with sensitive landscaping and screening become a positive feature for the town and the surrounding area. Combined with the suggestion of using the railway to import and export materials, the two measures could make a significant difference to Aylesbury and address the concerns alluded to in Secretary McLoughlin's speech. Your petitioners would be more than happy to host a visit from the Select Committee to help increase their understanding of local issues.

Loss of green / open space

- 47 A further reason that your petitioners request the creation of a green tunnel across Aylesbury is the loss of open space and recreational / amenity areas as part of the current proposal. Not only will there be significant restrictions on public access to countryside west of Aylesbury, but also a diminution in available open space including football pitches north of the A418 Oxford Road.
- 48 With or without the green tunnel, your petitioners quite reasonably expect the recreational spaces lost (including football pitches) to be replaced elsewhere in the town at the promoter's expense. Such facilities are important for the community and any loss affects community cohesion. Your petitioners therefore ask that any useable green space lost to the scheme be compensated elsewhere (i.e. offset) and if this is not possible, betterment for existing facilities provided.

National Trust proposals

- 49 Your petitioners support the proposals developed by the National Trust for improved mitigation measures north of the A418 Oxford Road for Hartwell House, by way of a land bridge. This would sit well alongside your petitioners request for a green tunnel across the west of Aylesbury. Hartwell House is a Grade I listed property and the surrounding park and gardens are listed as a Grade II* Registered Park and Garden.
- 50 The National Trust have taken much effort and time to persuade the Bill promoters to provide appropriate. The initial proposal was for a 'land bridge' over the proposed railway, welcomed by the promoter who indicated they would consider the proposals in more detail. The proposal was not included in the Bill, despite an acknowledgement that impacts on Hartwell would be very adverse.
- 51 Your petitioners respectfully ask your honourable House to amend the Bill to include both the land bridge proposal favoured by the National Trust and the green tunnel proposal supported by Councils across Aylesbury instead of the current inadequate mitigation proposals provided for in the Bill.

Impact on local businesses

- 52 As a local authority representing parishioners, your petitioners are concerned that the current proposal does little to consider businesses and employment within the Town. A number of businesses have chosen to site within the Town because of available property and synergy with other businesses. Your petitioners do not wish to see businesses moving beyond the area as a consequence of the HS2 proposals, but recognises that this may happen because of either the Bill or the Environmental Statement. Your petitioners expect all efforts made to relocate businesses locally and do not believe that this is an unreasonable expectation.

Compensation matters

- 53 Your petitioners believe that all compensation proposals to date have failed to recognise the blight felt by individuals living in homes, rented accommodation; or running businesses impacted by the proposals. There are too many examples of individuals and families who have yet to secure adequate compensation despite specific circumstances.
- 54 Your petitioners request that your Honourable House review compensation proposals and recommend changes that are fair, equitable and reasonable. Too few individuals and families have been approved for Exceptional Hardship or Compulsory Purchase. Your petitioners contend that this is unreasonable and needs to be addressed by your Honourable House.

Health Impact Assessment (HIA)

- 55 Your petitioners are not convinced that the wider impacts of HS2 have been adequately assessed or measured so believes that insufficient mitigation is proposed. Construction periods will have noise, dust, vibration, health and emotional effects and these are not addressed in the current draft Code of Construction Practice. There is

insufficient detail about the development of Local Environment Management Plans to reassure your petitioners that these will properly address matters.

- 56 Whilst your petitioners appreciate that the Code of Construction Practice is still in draft and plans for Local Environment Management Plans have yet to be finalised, it hopes that the Select Committee will insist upon local community involvement in the preparation of Local Environment Management Plans. This should enable suitable mitigation to be proposed, discussed and considered.
- 57 In light of the above, your petitioners reserve the right to raise the above matters and any other matters of concern relating to the substance of the HS2 Hybrid Bill and this petition that may arise from continuing discussions, the preparation and publication of reports, any revisions that may be made to current proposals or any other matters relevant to expressed concerns that may occur in due course and prior to representation before the Select Committee.
- 58 There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your petitioners and their rights (including their human rights) and for which no provision is made to protect 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 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 so much of the Bill as affects the property, rights and interests of your Petitioners 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.

Signature of Agent for the Petitioner

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AGAINST, By Counsel, &c.