

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 Turweston Parish 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 Turweston Parish Council. The Bill would authorise the compulsory acquisition of land belonging to your petitioners and their residents, 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 Your petitioners have responsibilities for much of the land in their area that will be affected by the Bill, and represent almost 200 residents in the Parish, many of whom will be injuriously affected by both the construction and the operation of the scheme proposed in the Bill. During the construction phase at least two properties will be demolished. Noise and dust will be generated by both preparatory works and construction works in addition to that noise generated by the use of both light and heavy goods 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 130 metres from residents' properties.
- 9 Your petitioners note that the Environmental Statement deposited with the Bill includes proposals to mitigate the effects of the proposed scheme. They are not satisfied that the measures proposed and their mitigation effects are adequate. The Parish will be changed by the works proposed under the bill, with properties subject to compulsory acquisition, local highways proposed for use as major construction routes, loss of playing fields, and the realignment and diversion of footpaths and bridleways.
- 10 Your petitioners remain opposed to the Bill and proposals for the high speed railway between London and Birmingham. Despite this opposition they have met with HS2 Ltd in a number of bilateral meetings throughout the engagement process from 2012 to date; to discuss, share and resolve issues across the Parish, such as the playing field.

#### *Adequacy of the Environmental Statement*

- 11 Your petitioners, along with many others, prepared and submitted detailed 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.
- 12 The Environmental Statement contains many inaccuracies that do not enable a proper assessment of the 'worst case scenario'. In turn this means that it is impossible to carry out a comprehensive assessment of the project. Your petitioners are extremely worried that baseline assumptions have yet to be substantiated.

- 13 Your petitioners suggest 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' to ensure a greater commitment to thorough mitigation, and address the missing link between an acknowledged growth in traffic and minimal impact on air quality.
- 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 significant concerns about four specific clauses in the Hybrid Bill that give the Bill's promoter the ability to circumvent, overlook or otherwise ignore obstacles that are seen to delay planning, development or construction of the rail line. In short, the clauses can override legal safeguards to protect water supplies (Clause 31, section 20), close any railway station or line at a Minister's behest (Clause 39), allow for compulsory purchase orders with no spatial or time limits if there is an 'opportunity for development' (Clause 47), 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 (Clause 51). Your petitioners contend that the inclusion of such clauses is unacceptable and they must not be allowed to pass into law.

### *Turweston playing field*

- 16 Your petitioners are extremely concerned about the proposed impacts of HS2 on its playing field, a Queen Elizabeth II Diamond Jubilee field, a status granted in perpetuity. The field is owned by Fields in Trust and your petitioners are the managing trustee. The field not only offers a recreational area for organised sports, such as football and cricket but is also used by the local Scout group for camping and outdoor activities, and is a popular spot for picnics and family relaxation.
- 17 Your petitioners believe that the proposal to cut the size of the field by 40% during the entire construction period is not, as suggested, a temporary effect but an impact that, combined with construction noise, will make the field virtually unuseable. This could also significantly undermine its viability once the railway is operational. Whilst your petitioners note that a proportion of the field will be restored, the planned relocation of electricity pylons across the field will restrict the area's use for organised sport and make other leisure activities much less attractive.
- 18 The playing field will be so radically effected because HS2 Ltd propose to build a deep cutting adjacent to it, requiring significant land take during the construction period. Your petitioners believe that the loss of this key amenity is unnecessary and could be avoided with the simple addition of a deep bored tunnel in this section of the line. HS2 Ltd have not provided convincing evidence why this is not an option.
- 19 Should the promoter clearly show that a deep bored tunnel cannot be provided, then your petitioners expect, a replacement playing field to be provided by HS2 Ltd during

the construction phase; the deep cutting to be 'capped', extending the current green tunnel in both directions to limit noise impacts, enabling the restoration of the entire playing field. Such a step should include the undergrounding of power lines to reduce noise and visual impacts still further.

### *Electricity pylons*

- 20 Your petitioners do not agree with the scheme promoter that the current design for the deep cutting and realignment of pylons is the only alternative in this area. Interestingly HS2 Ltd have advised that the power lines carried by the pylons cannot cross the railway line because of maintenance difficulties for the supplier. This advice conflicts with the proposals for pylons west of Aylesbury, where HS2 Ltd plan to raise pylon height to increase clearance between power lines and the catenaries for the railway. Your petitioners would welcome an understanding of why two locations in the same District are treated so differently and believe that both communities would prefer the same solution, placing the power lines below ground.

### *Noise and vibration impacts - inadequate assessments*

- 21 Your petitioners drew attention in their Environmental Statement response to the paucity of information about severe noise impacts. The information in Table 19 and OSV14-CO2 was insufficiently clear to identify the 25 dwellings in the vicinity of Main Street (approximately 50% of the houses in the central core of the village) and the associated local community areas deemed to experience an airborne noise increase.
- 22 Your petitioners are understandably worried about the impact of noise in such a tranquil area as Turweston, particularly given its Conservation Area status. Your petitioners wish your Honourable House to note that there are up to 20 listed buildings in the village, including the Parish Church just 350 metres from the line.
- 23 Local noise monitoring suggests that the background dBA level is between 25 and 30. This is just a tiny proportion of what it will be during either the construction or operational phase of the railway. Whilst current guidance suggests that noise mitigation is not needed when average dBA levels are below 50, your petitioners cannot fathom why a near doubling of noise levels in Turweston merits no action whilst an increase of just a few dBA in an urban area requires mitigation.
- 24 This dichotomy suggests that the methodology and assessments underpinning the Environmental Statement are flawed and fail to take account of the different areas through which HS2 is planned to run. Ideally your petitioners would expect new assessments to be undertaken to secure new and more appropriate noise standards. Since such an agreement is highly unlikely, your petitioners ask that the Promoter be required to provide suitable mitigation where ambient dBA noise levels will increase by more than 10 dB.
- 25 It is noted that the noise and carbon emissions generated by a high speed train varies depending upon the speed at which the train is travelling. Accordingly, your petitioners, in line with the Environmental Audit Committee, ask that noise levels and carbon emissions are moderated by ensuring trains travel at lower than maximum speeds particularly during the last two hours of evening operation (from 10.00pm till midnight).

### *Noise and vibration impacts – homes in village*

- 26 Many homes in Turweston, including a number of old cottages and homes in the designated Conservation Area, will be significantly affected by noise during both the construction and operational phases should it proceed as described in the Bill. With a deep cutting limiting some of the visual effects, noise is the greatest concern for your petitioners. This concern would be largely addressed if their request for a deep bored tunnel, in place of cutting, was accepted.
- 27 Your petitioners contend that the bored tunnel would resolve many of their concerns, with an extended green tunnel as a possible, although less than ideal, alternative. Homes and residents in the village will not only experience noise from the railway but also from the realignment of the A422, with an increase in vehicle numbers and speeds. As a minimum, your petitioners expect the new road to be constructed with a low noise surface to minimise impacts.

### *Noise impacts – A43 realignment*

- 28 Your petitioners support the valid concerns and objections of South Northamptonshire Council about the proposed realignment of the A43. The current proposal is for this key strategic road, linking the M40 and M1, to be reconstructed on a new alignment on an elevated section crossing the railway line. An important route used by more than 35,000 vehicles per day (Highways Agency, 2009) the HS2 proposal will see traffic growth of more than 3.5%, according to the Environmental Statement.
- 29 Your petitioners request that specific measures are taken to ensure that noise levels do not increase above current levels. Such measures might include changing the road design to avoid the elevated section, or ensuring the road surface and screening is adequate to prevent local noise impacts and intrusion.

### *Noise and visual impacts – Turweston viaduct*

- 30 Your petitioners are concerned about a further inconsistency evident in the Environmental Statement in the treatment of the Turweston viaduct. The western edge of the viaduct is protected by a four metre high noise barrier, which offers some protection for the village. The other side of the viaduct is not so fortunate with only a 1.4 m high protection barrier, designed to act as an absorptive noise fence. Your petitioners request the addition of a high noise barrier on the eastern edge of the viaduct to mitigate noise for users of the popular public footpath, being diverted to run under the viaduct and proceed east towards Whitfield village.
- 31 Your petitioners are also worried about the visual impacts of planned infrastructure such as the Turweston viaduct. It will be visible to a large number of rural properties in an unspoilt ancient landscape, part of Turweston Manor Grasslands, and your petitioners are concerned that its design will not be in keeping with the surrounding environment. The area is not suitable for white concrete structures of the type used on HS1 in Kent. To reduce the visual impact of the viaduct, your petitioners ask before construction for meaningful consultation on the detailed design for the Turweston viaduct. It should be designed to complement the local environment, be maintained to a high standard, with appropriate visual screening.

### *Noise and visual impacts – materials processing*

- 32 The Environmental Statement proposed that granular materials from both the Turweston cutting and adjacent cuttings would be processed in a facility east of the Turweston cutting, incorporating a roadhead for importing and exporting materials, and be operational for three years.
- 33 Your petitioners are concerned that there is no detail about the location of this facility, as it may be sited either in the cutting or alongside the cutting. Your petitioners insist that both locations are comprehensively assessed to determine the potential noise and air quality implications and enable the preparation of definitive mitigation plans. It is unacceptable that this information was not available in the full Environmental Statement as it is of great significance to Turweston.

### *Noise and visual impacts – electricity pylons*

- 34 Your petitioners have already stated their concerns about the proposal to divert the power line and electricity pylons west of the proposed scheme and closer to Turweston. The reason given is it is not consistent with proposals elsewhere, and your petitioners contend that it is not necessary. Indeed, your petitioners are not prepared to see power lines moved closer to the Conservation Area or diverted overhead across the playing field.
- 35 The Department for Transport acknowledge that HS2 will lead to a loss of amenity in Turweston and yet seem happy for this to be exacerbated by realigning the pylons closer to the village with greater visual intrusion, noise (construction and operation), and irreparable damage to the Queen Elizabeth II Diamond Jubilee playing field.
- 36 Your petitioners repeat their contention that the power lines must be undergrounded, on their existing alignment. If for some overriding reason, that is not possible (excluding cost), then your petitioners are convinced that a deep bored tunnel or extended green tunnel will allow the pylons to remain in their current position.

### *Construction impacts – local roads*

- 37 The Environmental Statement states that the A422 Turweston green overbridge satellite construction compound will be accessed via Oatleys Road / private access from the A43 Oxford Road and M1 from the east; and the A43, A422, A43 and the M40 from the west. Your petitioners raised this in their response to the draft Environmental Statement insisting that the haul road and worker access must be via a temporary road and should not be permitted as described above but should be via the temporary road constructed from the A422. Your petitioners, supported by the local transport authority, contend that the village is unsuitable for any sort of construction traffic and the Promoter must ensure that this is clearly signed 'No Construction Traffic' on the two roads into the village.
- 38 The roads through Turweston are used as a significant recreational route by local walkers, runners and horse riders to access the Westbury Circular ride and local bridleways and footpaths. School buses also run to and from the village with students getting on or off in the village, meaning it is simply not safe to allow any construction traffic (cars, light or heavy goods vehicles), to use roads in the village. Your petitioners

expect this ban on construction traffic to apply to any and all work on the proposed route including any work on power lines.

- 39 Your petitioners are gravely concerned about the effects that construction traffic will have on local B roads and other minor roads, since they are so clearly unsuitable for HGVs and are popular with cyclists, horse riders and pedestrians. This is particularly relevant for a number of very rural lanes close to Turweston in both Buckinghamshire and Northamptonshire. Your petitioners are also concerned about the additional traffic generated by the scheme close to Brackley, with an average of 850-1430 daily combined two-way HGV trips from the A422 Brackley Road overbridge.
- 40 Your petitioners support South Northamptonshire's Council request that roads below B class are avoided by HGVs where possible to minimise construction impacts. Where this is not possible, designated haul roads should be provided. During construction, the Promoter must maintain the quality of the highways, and after construction, roads footpaths, cycleways and bridleways affected by construction should be restored to their original size and character.
- 41 Your petitioners are concerned about the impact of construction vehicles since the local road network is unsuitable for the heavy increase in construction traffic predicted in the Environmental Statement. Both the A421 and A422 will be restricted by HS2 engineering work as the line crosses them, but the A422 is expected to manage increased traffic movements. Your petitioners fear that as a consequence general traffic will reassign to rural roads increasing accident rates and congestion. This further reinforces your petitioners request for designated haul routes.

#### *Code of Construction Practice and Local Environment Management Plans*

- 42 Your petitioners are not convinced that the wider impacts of HS2 have been adequately assessed or measured and suitable mitigation proposed. Construction periods will have noise, dust, vibration, health and emotional effects and these are not adequately addressed in the current draft Code of Construction Practice. There is not enough detail about the development of Local Environment Management Plans to reassure your petitioners that these will properly address matters.
- 43 Whilst your petitioners appreciate that the Code of Construction Practice is still in draft form and therefore plans for Local Environment Management Plans have yet to be finalised, it does not feel it would be unreasonable for the Select Committee to expect local community involvement to be at the heart of their development. In this instance your petitioners request that Local Environment Management Plans are prepared with the involvement of representatives from Turweston. This should enable suitable mitigation to be proposed, discussed and considered.

#### *Community effects - proportion of houses purchased*

- 44 Your petitioners note that to date HS2 Ltd has purchased or agreed to buy a number of houses within Turweston. In a village of this size it takes very little to make a material change to the nature and feel of the community and your petitioners are concerned that such a change is already happening in Turweston. Previously vibrant homes are either vacant or occupied by temporary residents with no stake in the local community. The problem for Turweston is that current compensation proposals offer

no surety for owner-occupiers, meaning that many have no option but to apply for exceptional hardship or serve a blight notice on the Government.

- 45 Your petitioners contend that compensation proposals have failed to recognise blight felt by individuals living in homes, rented accommodation; or running/working in businesses impacted by the proposals; or the impact on small communities such as Turweston. The only remedy for this issue is to introduce a Property Bond, giving owner-occupiers a guarantee that should conditions deteriorate during construction or in operation their property will be purchased by the Government. Your petitioners are convinced that such a measure would help minimise community effects.
- 46 Your petitioners request that your Honourable House review current 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.

#### *Community effects – loss of community assets*

- 47 Your petitioners are concerned that Turweston is not only losing a sense of community, as described above, but also some key community assets as a consequence of the HS2 scheme. Not only is the playing field, a key amenity, threatened by the current plans but the village has also lost its Post Office. Your petitioners fear that this is the thin end of the wedge and other community assets including footpaths, bridleways and general tranquillity are also at risk.
- 48 Whilst not all community assets may ultimately be retained, your petitioners humbly request that the Promoter is instructed to provide an endowment or compensation fund, enabling the Parish Council, or alternative body, to manage and maintain agreed community assets in perpetuity. Your petitioners fear that without an appropriate compensation scheme for individuals and an endowment fund to support community assets, Turweston will cease to function as a village.

#### *Community effects – leisure, recreation and environment*

- 49 As previously stated, your petitioners believe that construction vehicles associated with HS2 will cause major disruption to the local road network. This will have a disproportionate impact on cycling, especially on the A422 regularly used by cyclists between Brackley, Turweston and Westbury and on the old Buckingham to Banbury railway path, a non-registered bridleway. Planned changes to the A422, such as road straightening will increase vehicle speeds, threaten safety and discourage cycling.
- 50 In light of the changes to the A422, your petitioners expect the Promoter to provide a cycleway from Westbury via Turweston, to Brackley, enabling local residents to cycle safely. This would align with the Government's ambition to use the HS2 route as an opportunity to stimulate sustainable travel and ensure that leisure and recreational cycling would flourish in the area with the creation of a dedicated cycle path.
- 51 Your petitioners are also concerned about impacts on the rights of way network in the area. The proposed diversions and realignments set out in the Environmental Statement do not take account of user and / or local needs. For example to maintain

access, your petitioners request that bridleways be re-routed to avoid travelling alongside the railway line before making a crossing.

- 52 Your petitioners also expect a survey of unregistered routes to be undertaken to ensure that all footpaths are retained. Mitigation measures should be designed with relevant Councils, appropriate to the local environment. HS2 must, at a minimum, liaise with Oxfordshire County Council to secure the establishment of the Buckingham to Banbury railway track as a bridleway prior to construction.
- 53 Your petitioners are concerned about the impacts of HS2 on Turweston Manor Grasslands, an ecologically sensitive area. The Parish Council urges the Select Committee to consider the views and proposed remedies of the Wildlife Trusts and other expert bodies, who have expertise in this area. To date, the existing baseline data has been secured from published surveys and desk studies, and not field surveys. This first-hand information is critical to validate initial high-level information.
- 54 Your petitioners are also concerned about the proposed destruction of hedgerows in the area. Almost six kilometres of hedgerows that act as important wildlife corridors will be removed close to Turweston and Brackley. It is believed that this is a minimum figure rather than a worst case scenario. Such devastation will result in a permanent adverse effect that cannot be countenanced by your petitioners.
- 55 Turweston benefited from an important tree planting scheme approximately thirty years ago, which has provided a vital wildlife corridor. HS2 will sever the corridor and your petitioners therefore expect trees to be replaced on the basis of at least two for each lost and more if the woodland is older. Replacement trees should be of sufficient maturity to provide cover as soon as possible time and a long term strategy for replacement habitat developed with key stakeholders.
- 56 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.
- 57 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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BILL

PETITION OF Turweston Parish Council

AGAINST, By Counsel, &c.