

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 Stoke Mandeville Action Group

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 petitioner, Stoke Mandeville Action Group (SMAG), is an association of local residents in Stoke Mandeville, established in June 2010 representing the interests of thousands of residents directly or indirectly affected by the works referred to above. Their rights, interests and, in some cases, property are injuriously affected by the Bill. Your petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.
- 8 During the construction phase noise and dust will be created by both preparatory and construction works, and by the use of light and heavy goods vehicles for the movement of people, materials and spoil into and from construction sites. During the railway’s operation noise will arise from trains passing within 250 metres from residents’ properties.
- 9 Your petitioner notes that the Environmental Statement includes proposals to mitigate the impacts of the proposed scheme, but is not satisfied that the measures and mitigation are sufficient. The area will experience major change by work proposed in the Bill. Your petitioner is opposed to the Bill and plans for the railway between London and Birmingham, but has nonetheless met with HS2 Ltd in bilaterals during the engagement process to talk about and try to resolve issues in the area.

#### *Adequacy of the Environmental Statement*

- 10 SMAG submitted comments about the Environmental Statement, presented in a report by the independent assessor. Your petitioner has doubts about the Environmental Statement, since it includes inaccuracies that fail to determine the ‘worst case scenario’. This means it is impossible to carry out a detailed assessment of the project, with baseline assumptions yet to be substantiated.
- 11 Your petitioner expects further data to be submitted to support the Environmental Statement, limiting the need for ‘where practicable’ and ‘where reasonably practicable’. This secures a commitment to better mitigation, and ensures that the acknowledged growth in traffic is reflected in an assessment of air quality.
- 12 Such deficiencies must be addressed by HS2 Ltd, as the draft Environmental Minimum Requirements include obligations for the Nominated Undertaker, charged with building and operating the railway, and many obligations are linked to the Environmental Statement.

#### *Concerns about the Hybrid Bill*

- 13 Your petitioner has grave 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, close any railway station or line at a Minister's behest, allow for compulsory purchase orders with no spatial or time limits 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.

- 14 Specifically, your petitioner highlights Clause 31, schedule 20 that removes key legal safeguards protecting public water supplies. It is believed that these have been lifted because documents explicitly 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', largely tunnelling and bridge piling in the construction phase of the project. Your petitioner contends that this is unacceptable and must not be allowed to pass into law.
- 15 Further your petitioner references 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 petitioner is gravely concerned that such checks and balances have been swept away with the advent of HS2. This again is unacceptable and must not be allowed to pass into law.
- 16 Your petitioner points the Select Committee to Clause 47 that gives Ministers the ability to compulsorily purchase any land anywhere 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 general power that is unprecedented in the history of infrastructure projects, and one to which your petitioner strongly objects. This clause must not be allowed to pass into law.
- 17 The final clause of concern to your petitioner 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 petitioner 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 petitioner and must not be allowed to pass into law.

#### *Noise reduction and visual mitigation*

- 18 Your petitioner is worried that proposals to minimise construction noise impacts are dependent on the draft Code of Construction Practice. This makes it difficult to be reassured by its contents with little ability to test the efficacy of its proposals. Once it is in final form it should be consulted upon, giving everyone the chance to offer personal views. Measures to limit effects must never be limited on the basis of cost.
- 19 Mitigation planned to manage noise effects during the operational phase is described in the Environmental Statement as both earth bunds and screening barriers. Your petitioner is concerned that barrier heights vary so much and contend that screening barriers should be the same height, as high as possible. This is particularly true for the maintenance loops, on embankment and protected by three metre barriers. The track

bed for the maintenance loops is wider than elsewhere, since it includes the high speed lines and two siding tracks. Your petitioner would therefore welcome a minimum barrier height of five metres in this area.

### *Train speed*

- 20 Your petitioner notes that noise effects from a high speed train depends upon the train speed. Noise levels and carbon emissions must be managed by ensuring trains travel at lower speeds through Stoke Mandeville Parish and across the western flank of Aylesbury. It would be more than reasonable to expect trains to travel at no more than 320 kilometres per hour between the Wendover green tunnel and the River Thames viaduct.

### *Proximity to Hawkslade houses - noise and visual impacts*

- 21 Your petitioner is very concerned about the noise and visual impacts on residents within the Hawkslade ward of the Parish, on the south west corner of Aylesbury. At this point, as the proposed scheme passes the northern area of the Parish, the rail line is within 250 metres of the closest properties and injuriously affects 96 residential properties in Isis Close, Oat Close, Anton Way and Deverill Road. Many of these properties and their residents currently enjoy views looking out over open and tranquil countryside.
- 22 Your petitioner submits that to adequately mitigate the noise and visual impact of the scheme on residents in the Hawkslade ward and for residents across the west of Aylesbury, a green tunnel should be built. Its starting point could be approximately chainage 59,500 where the route is in or close to the deepest part of the Aylesbury Southern Cutting. It should then continue across the west side of Aylesbury to chainage 63,000 protecting Hartwell House, accommodating the diverted A418 and other rights of way crossings.
- 23 Your petitioner is confident that residents of this area would prefer the impacts of a green tunnel over the proposed Aylesbury embankment and Aylesbury north cutting. Building such a green tunnel reusing locally generated spoil should also help limit the number of anticipated HGV movements at the Oxford Road roadhead. This would help minimise costs and reduce likely congestion on this key radial route to and from Aylesbury.

### *Risborough Road gap*

- 24 Much of the scheme's visual impacts are to be mitigated by a limited array of landscaped earthworks. Around Risborough Road such mitigation is very limited, leaving large areas on both sides of the route exposed to both noise and visual impacts.
- 25 Although there are plans for limited planting, your petitioner worries that mitigation of this form may take up to 60 years to grow. This is not adequate but despite questioning the matter with HS2 Ltd, it is alleged that nothing else could be done. Your petitioner expects a more creative approach to resolve this matter.

### *Land drainage and flooding*

- 26 Your petitioner notes that the proposed scheme will result in the creation of a number of balancing ponds which are 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 following the recent adverse weather conditions and your petitioner is concerned that this is not adequately reflected in the Environmental Statement.
- 27 The Environmental Statement does not refer to ongoing maintenance of flood or drainage infrastructure. Your petitioner expects, at minimum, a written assurance from HS2 Ltd that they will be responsible for maintaining and upgrading these ponds in perpetuity. Your petitioner is concerned that without adequate maintenance the ponds will cease to operate effectively if neglected for any length of time.

### *Realignment of A4010 and demolition of 30 Lower Road*

- 28 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 your petitioner in meetings with the Bill's promoters. Your petitioner supports the proposed realignment apart from the northern junction with Lower Road. Your petitioner cannot accept the proposed junction that requires the demolition of a parishioner's property when other junction arrangements are not only technically possible but also preferable.
- 29 Moving the road closer to Aylesbury and north of the business park, known as the Ranch House, would avoid demolishing 30 Lower Road and offer other opportunities that the current proposal cannot possibly deliver. Your petitioner believes that this revised alignment could provide Booker Park School with an exclusive entrance away from the residential area and could support improved access to Stoke Mandeville Hospital and southern Aylesbury.

### *Construction of realigned A4010*

- 30 The reason to realign the A4010 is to avoid unnecessary major structures, reduce traffic impacts and maintain access for ambulances between Wycombe and Stoke Mandeville Hospitals. The phasing of the road realignment is critical for the area. To maximise the full benefits your petitioner expects it to be part of the first construction stage, completed and open to all traffic no more than twelve months from commencement of construction.

### *Junction layouts and signage*

- 31 The realigned A4010 includes a number of junctions that your petitioner expects to be designed in conjunction with the County Council as transport authority, aligned with best practice and enabling safe travel for all, including cyclists and pedestrians. The new road will change travel patterns and your petitioner therefore expects its construction to be accompanied by a comprehensive signage strategy, prepared with the County Council, to ensure new routes are clear, legible and understood by the travelling public.

### *Maintenance loops*

- 32 Your petitioner notes that the Bill proposes the introduction of maintenance loops providing two sidings, alongside the proposed high speed line, for stabling maintenance trains, changing the nature of the railway in this area. The sidings increase the footprint and require extra infrastructure like access roads and lighting.
- 33 Your petitioner questions whether the maintenance loops are required and if they are, whether this site is the optimum site. If it is important for the railway, your petitioner believes it could be more easily provided with less impact at Old Oak Common, the proposed interchange station with Crossrail.
- 34 If the Bill's promoter can prove the need for the maintenance loops in their proposed location, your petitioner wants to be sure that all visual and sound impacts are properly assessed and mitigated. They do not feel that concerns about alignment, lighting, fencing and noise have been addressed. The Environmental Statement states that local impacts are adverse particularly for areas overlooking the loops or close to Risborough Road, but offers little to reduce impacts or mitigate effects.
- 35 Your petitioner wants to see the sound barrier raised to the standard height of other barriers, specifically five metres. They must be screened effectively with appropriate landscaping, including tree planting carried out at the earliest opportunity. Any lighting for the maintenance loop must also be designed to minimise night time light pollution and used only when the loop is used.
- 36 Operational practices for the maintenance loops will also determine the nature and extent of local impacts. Your petitioner expects the promoter to give assurances that operational practices will be developed in conjunction with the local community and minimise impacts by restricting activity to, for example, weekends only.

### *Old church site (St Mary the Virgin)*

- 37 The 12<sup>th</sup> century church of St. Mary the Virgin in Stoke Mandeville was first built in 1170 and remained in use until 1866 when a new church was built nearer the village, although occasional burials continued until 1908. Your petitioner is understandably concerned about construction proposed and authorised by the Bill on this heritage site. Tracks for the rail line and maintenance loops will pass directly through the site.
- 38 Whilst the ruined church building was demolished in 1966 for safety reasons the site is owned and preserved by the Parish Council. The building ruins are now buried under earth and vegetation and only about twelve tombstones are visible. Your petitioner is aware, however, that records indicate more than 1800 burials in the immediate vicinity. Some reports suggest this figure is significantly higher. As such your petitioner contends, supported by the Bucks Archaeological Society, that this is one of the most archaeologically important sites impacted by HS2 between London and Birmingham. Construction proposals could destroy important historic remains that are yet to be discovered.

39 To adequately mitigate and protect this key site your petitioner expects the following to be agreed with the promoters of the Bill:

- a) A comprehensive archaeological investigation of the Stoke Mandeville heritage site that accords with a 'Site Specific Written Scheme' developed in conjunction with local authorities, English Heritage, Bucks Archaeology Society, Stoke Mandeville Parish Council and the community of Stoke Mandeville. Every step will be taken to ensure that dignity is maintained, especially for descendants of those buried on the site.
- b) All remains from burials, gravestones, the church building and other artefacts revealed by such an investigation should be housed in a purpose built vault / memorial building above ground level in landscaped grounds located on the village side of the track. This site and an endowment should be gifted to Stoke Mandeville Parish Council by the Bill promoters.
- c) The promoters of the Bill should ensure that the Parish Council is adequately compensated for the loss of the old church site.

#### *Impacts on schools across the Parish - noise*

40 Your petitioner has concerns about the impact of construction and the operation of the railway on schools, namely Stoke Mandeville Combined School and Booker Park School. The former is a primary school in the centre of the village, is over one hundred years old and accommodates more than 200 children between four and eleven years of age, whilst the latter is a school for primary aged pupils with profound and multiple learning difficulties or with behavioural, emotional and social difficulties, found off Kynaston Avenue in the Stoke Leys ward of the Parish.

41 The Environmental Statement states that noise from operation of the railway will increase day/night time noise close to Marsh Lane and on Chestnut Way alongside Stoke Mandeville Combined School. It will also disturb outdoor teaching activities or teaching activities inside when windows are open for Booker Park School. Your petitioner believes these impacts are unacceptable and should be better mitigated.

42 Reported effects show that the planned sound barriers are inadequate and support requests for consistent five metre high sound barriers across the area coupled with effective screening and landscaping. Should detailed noise modelling prove it is insufficient, your petitioner expects additional noise insulation measures be provided on the bypass and / or within the buildings and school grounds.

#### *Impacts on schools across the Parish - construction*

43 Your petitioner is concerned that both the A4010 Risborough Road and B4443 Lower Road are identified as construction or haul routes, with at least an extra 210 average daily vehicle movements using the roads for a minimum of 19 months. Stoke Mandeville Combined School is just forty metres from the B4443, with pupils travelling by car, coach and on foot to school between 08.30 and 09.00 and leaving between 15.00 and 15.45. Your petitioner believes that additional peak time traffic creates additional unnecessary hazards for the safety of the school community.

- 44 There are clear remedies to minimise impacts from construction traffic on the A4010 and B4443 and your petitioner focusses on one, alternatives to road borne transport, in paragraphs that follow. Your petitioner contends that the early completion and use of the realigned A4010 provides a more suitable route for construction vehicles away from the school. Where use of Risborough Road, Lower Road and Marsh Lane cannot be avoided, your petitioner expects no construction vehicle movements during peak times, managed using routeing agreements and GPS vehicle tracking.

#### *Construction routes*

- 45 Your petitioner, in common with others, is concerned about the impact of 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.
- 46 The Environmental Statement reports that building the railway across the west side of Aylesbury means 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 petitioner requests your Honourable House to note that this affects five of seven radial routes into Aylesbury.
- 47 The A418 and its roadhead, close to Hartwell House, must cope with up to 730 Heavy Goods Vehicle (HGV) movements in every 12 hour working day, an average of one lorry every minute. It also states that each junction on the A41 from Aylesbury Vale Parkway station through to the inner ring road will suffer additional congestion. Your petitioner believes that these impacts are underestimated and will lead to effects across a wider area not considered by the scheme's promoter.
- 48 Your petitioner is very concerned about the use of the A4010, from High Wycombe and Princes Risborough, a construction route to access Stoke Mandeville. After consideration, the better alternative, for all radial routes across the town, would be the use of the existing railway from High Wycombe and Princes Risborough to Aylesbury, already used for freight. New temporary sidings could easily be created on the south-west corner of Aylesbury.
- 49 Such sidings could serve areas to the north /south along the line of route and reduce construction traffic across Aylesbury. Your petitioner contends that a rail project promoter should make best use of the existing railway.

#### *Localised construction impacts*

- 50 At a local level, your petitioner is worried about potential impacts on Risborough Road, Lower Road, Nash Lee Road and Station Road that are not adequately considered in the Environmental Statement. Issues about Risborough Road and Lower Road should be addressed if the realignment of the A4010 is completed and open to traffic as early as possible.
- 51 Your petitioner is concerned about impacts on Nash Lee Road with construction vehicles using the route to build the maintenance loops. Ideally appropriate

improvements should be made to Nash Lee Road, supported by the promoters of the Bill, before work on the maintenance loops begins, assuming they are demonstrably needed.

- 52 Your petitioner notes that Station Road is currently used by a broad mix of traffic, accessing the railway station, local facilities and the wider transport network. They are concerned that its role linking the A413 and B4443 might be exploited during construction. As a result your petitioner believes it is not unreasonable to expect HS2 Ltd to provide appropriate traffic calming on Station Road to limit use of the route and moderate speeds through the village.

#### *Impact on local businesses*

- 53 As a group representing local residents, your petitioners are concerned that the current proposal does little to address businesses and employment in the area. Businesses at the Layby and Belmore Centres have chosen these sites because of their location and the nature of other businesses. In each case, there is a synergy between the businesses that would be hard to replicate elsewhere.
- 54 Your petitioner does not wish to see businesses moving beyond the Parish as a consequence of the HS2 proposals, but recognises that this is likely based on the Bill and the Environmental Statement. The preferred remedy is that the promoter identify a new site for affected businesses, so they remain within the Parish. Your petitioner does not believe that this is an unreasonable expectation.

#### *Compensation matters*

- 55 Your petitioner knows that all compensation proposals have failed to recognise the blight felt by homeowners, individuals, rented accommodation, or businesses impacted by the proposals. There are too many examples of individuals and families who have yet to secure adequate compensation despite specific circumstances.
- 56 Your petitioner asks your Honourable House to 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.
- 57 Your petitioner also believes that communities negatively impacted by the effects of the Bill with no economic advantage or improvement in accessibility, should have access to a generous Community Compensation Fund supporting successful applications for enhanced mitigation, improved facilities or additional compensatory measures.

#### *Electricity pylons*

- 58 Electricity pylons are a feature across the west of Stoke Mandeville and western Aylesbury. The Environmental Statement shows that electricity pylons from east of Bishopstone to south of Oxford Road (A418) must be lifted to accommodate HS2 and avoid conflict with catenaries for the high speed rail line. The necessity of this action is questioned by your petitioner.

59 Your petitioner supports other Councils keen to see the undergrounding of power lines west of Aylesbury. Such action would illustrate the promoter's desire to manage and mitigate complaints and concerns. Your petitioner contends that cost should not be a valid consideration.

*Health Impact Assessment (HIA)*

60 Your petitioner is far from 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 insufficient detail about the development of Local Environment Management Plans to reassure your petitioner that these will properly address matters.

61 Whilst your petitioner appreciates 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 petitioner requests that Local Environment Management Plans are prepared with the involvement of local community representatives. This should enable suitable mitigation to be proposed, discussed and considered.

62 In light of the above, your petitioner reserves 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. This might include discussing the petitions of others that impact upon SMAG or local residents, such as the extended bored tunnel proposal, promoted by others.

63 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) 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 PETITIONER THEREFORE HUMBLY PRAYS 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 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 Petitioner will ever pray, &c.

Signature of Agent for the Petitioner

*[Handwritten signature]*

---

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL  
(LONDON-WEST MIDLANDS)  
BILL

PETITION OF Stoke Mandeville  
Action Group

AGAINST, By Counsel, &c.

James Rogers  
Delta Partnerships Ltd  
161 Kyrle's Avenue  
Hyde Chery  
BUCKINGHAMSHIRE  
HP21 9DS  
07702 491930