

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 ~~Constitution~~

Coldharbour 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 Coldharbour Parish Council. The Bill would authorise the compulsory acquisition of land belonging to your petitioners and contains wide ranging powers to enable the Secretary of State to acquire land compulsorily outside the limits of land to be acquired under the Bill for purposes including regeneration, to which your petitioners 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 land in their area that will be affected by the Bill, and the nearest part of the area for which your petitioners are the local authority is approximately less than one metre from the area of land to be acquired and used under the Bill. A number of residents and businesses in your petitioners' area will be injuriously affected by the provisions of the Bill. Properties within your petitioners' area are identified in the Environmental Statement that accompanies the Bill as being affected by the Authorised Works. Your petitioners' area includes roads which are liable 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 over 5000 residents, many of whom will be affected by works proposed under the bill. 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. The Parish will be changed by the works including properties seriously affected by the construction and operation of the railway, highways to be used as major construction routes, footpaths to be removed, areas of green space lost and areas used for construction sites. These include the proposed satellite compound adjacent to properties in Andrews Way, Prestwold Way, Eyre Close, Cooks Road, Warbler Close, Cavendish Way and Grosvenor Way.
- 10 Whilst your petitioners recognise that the Select Committee of your Honourable House cannot consider cases that object to the principles of the Bill, your petitioners remain implacably opposed to the Bill, and the proposals for the high speed railway between London and Birmingham. Your petitioners do not believe that the business case for HS2 is robust and represents poor value for money for taxpayers in a country which cannot afford such expense. Your petitioners instead support the alternative solution to HS2 produced by 51m which represents a much better business case including lower initial costs and a much greater Benefit Cost Ratio, as reported by WS Atkins working for the Department of Transport.

- 11 Despite their opposition your petitioners have met with HS2 Ltd in Community Forum Area meetings, in bilateral meetings and have engaged thoroughly in all consultations since the proposals were first published in 2010. Your petitioners are disappointed that despite such involvement few changes have been made to improve the situation in Coldharbour Parish.

Provision of information

- 12 Your petitioners wish to express concern about the poor provision of information by the promoter, both before and after deposit of the Bill. HS2 Ltd has regularly failed to provide sufficient information and evidence prior to consultations and what is available has often been inadequate and conflicting. Plan and profile maps and GIS data layers were requested by Buckinghamshire Councils at the start of the consultation, to inform their response. HS2 Ltd advised that the GIS data would not be available until December, but it was not circulated until 24 January 2014, ironically on the day that consultation was due to end. Such problems have made commenting on the project very difficult and also raises questions as to why the information was withheld. Your petitioners expect to be consulted on the final Code of Construction Practice and any other relevant documents, before any building happens. We also request that in future, all information is made available in a timely manner.

Adequacy of the Environmental Statement

- 13 Your petitioners took the opportunity to prepare and submit 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. It contains many inaccuracies that does 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 concerned that baseline assumptions have yet to be substantiated.
- 14 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', and ensure a greater commitment to thorough mitigation. It is critical 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 grave concerns about four clauses in the Hybrid Bill that give the Bill's promoter the ability to overlook or ignore matters 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 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 point to Clause 31, schedule 20 that removes legal safeguards protecting public water supplies. It is believed that these have been lifted because reports 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' in the construction phase of the project. Your petitioners contend that this is unacceptable and must not be allowed to pass into law.
- 17 Further your petitioners highlight Clause 39 that changes 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 closures to pass through a complex process, involving long notice periods, transport assessments and consideration of hardship. Your petitioners are very concerned that these checks and balances have been swept away by HS2. This again is unacceptable and must not be allowed to pass into law.
- 18 Your petitioners ask the Select Committee to note 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 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 sets a new 'right of entry' for anyone nominated by HS2 to enter any property within 500 metres of the line, with refusal being a criminal offence. It is a major 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 has been published or passed. This is also 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 the impacts of noise created during construction depends largely 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.
- 21 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 rather than accept what is 'reasonably practicable'. Your petitioners do not believe that measures to mitigate the injurious effects of the scheme should be limited on cost grounds.
- 22 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 on the line of route through the Parish, varies so much, especially as noise impacts are directly linked to barrier heights.

- 23 Your petitioners submit that across the Parish screening barriers should be of a consistent uniform height and as high as possible. The detail of the Environmental Statement suggests that a maximum barrier height is five metres, a reasonable standard for the whole of Coldharbour, subject to appropriate design standards.

Impacts on residents

- 24 Your petitioners are gravely concerned about the impact of the proposed satellite compound adjacent to properties in Andrews Way, Prestwold Way, Eyre Close, Cooks Road, Warbler Close, Cavendish Way and Grosvenor Way and the devastating effect on the playing fields that will be unavailable for up to 18 months despite their constant use by many residents. Your petitioners anticipate that the properties and open spaces will be surrounded by intolerable construction activity and will be severely impacted by noise, vibration and dust. There will also be major visual impacts for property owners and users of the open space that will significantly reduce the quality of life.
- 25 Your petitioners contend that this area is unsuitable for heavy construction and requests an alternative site be found. If this is not possible, then the promoter must use all means available to minimise noise, dust and vibration during both construction and operational phases. Further, your petitioners humbly request that noise, dust and vibration monitoring equipment is installed at key points around the satellite site for the duration of construction to ensure that limits agreed with the local authority are not exceeded. If limits are breached, work should cease immediately, improved mitigation introduced or temporary accommodation provided for affected residents.
- 26 Your petitioners are also concerned about the noise and visual impacts on its residents during the operational phase of the railway. At its closest point the line is approximately 350 metres from the closest properties, many of which currently enjoy views looking out over open and tranquil countryside. Your petitioners submit that to adequately mitigate the noise and visual impact of the scheme on its residents 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 protect both Coldharbour and Hartwell House, accommodating the diverted A418 and other rights of way crossings.
- 27 Your petitioners know that Aylesbury residents would prefer the impacts of a green tunnel over the proposed Aylesbury embankment and cutting. Building such a green tunnel reusing locally generated spoil should also 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.

Train speed

- 28 Your petitioners note that the noise and carbon emissions generated by a high speed train depends 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 through Coldharbour Parish and across the western flank of Aylesbury. Your petitioners believe that it would be more than reasonable to require trains to travel at

a maximum speed of 320 kilometres per hour through the Wendover green tunnel to the River Thames viaduct.

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. The area has been subject to flooding during recent adverse weather conditions and your petitioners are concerned that this is not adequately reflected in the Environmental Statement.
- 30 Your petitioners believe that further work is needed to demonstrate that HS2 will not exacerbate flood risk within the Parish and 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 a comprehensive package of infrastructure, in conjunction with the County Council and the Environment Agency, to ensure that the risk of flooding is minimised.

Electricity pylons

- 31 Electricity pylons are a dominant feature on the western side of Aylesbury. The Environmental Statement suggests that work is needed on pylons 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 rail line for maintenance reasons. This needs clarification by the promoter.
- 32 To enable the proposed work some properties will be temporarily acquired, a major inconvenience to residents in the Town, who will return to find the pylons and power lines largely unchanged. Your petitioners support Aylesbury Town Council who question this action and suggest that the power lines should be undergrounded instead. Cost should not be a valid consideration in this matter.

Transport impacts across Aylesbury

- 33 Your petitioners, along with Aylesbury Town, Stoke Mandeville, Coldharbour and Stone with Bishopstone and Hartwell Parish Councils and other local authorities, are extremely worried about the expected impacts 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.
- 34 The Environmental Statement states that building the rail line across Aylesbury will require construction vehicles to use 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 that this affects all but two radial routes into Aylesbury.

- 35 Furthermore, the Environmental Statement states that the A418 and the roadhead, south of Oxford Road, will need to manage 730 Heavy Goods Vehicle (HGV) movements in each 12 hour working day during the busiest two year period. Assuming there are no peak time restrictions that means one HGV every minute. A further consequence of construction traffic 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 faith in the Transport Assessment and the assumptions it uses and believes that the real impacts will be significantly greater, creating effects across a much wider area, potentially changing travel patterns and behaviour for many years.
- 36 Your petitioners recognise that building HS2 will require the import and export of large quantities of materials and equipment over a lengthy period. They are also well aware of the limitations of the town's road network, served as it is by radial routes converging in the centre. They do contend, however, that the promoter of a major rail infrastructure project should be looking at non-road options for moving materials and equipment. Your petitioners believe a much better alternative, would be to use the existing railway from High Wycombe and Princes Risborough to Aylesbury, already used for freight, building new temporary sidings on the south-west edge of Aylesbury. This would serve areas to the north and south along the planned line of route and help reduce construction traffic across Aylesbury.

Rat-running

- 37 An aspect not considered by the Environmental Statement is the likely use of minor and residential roads across Aylesbury as alternatives to main routes, colloquially known as 'rat-running'. This was not assessed because HS2 Ltd assumed that there would be no 'reassignment' of traffic from main to minor roads. In other words the Transport Assessment contends that every driver waiting in a queue on a busy route would rather wait in traffic rather than find an alternative route for his journey. Your petitioners suggest that this does not reflect reality.
- 38 Aylesbury already suffers from rat-running at busy times or when a radial route becomes congested. Based on their experience, your petitioners know that Coldharbour Way, Ellen Road, Churchill Avenue, Meadowcroft and other roads, including through neighbouring 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 people across the town rely on reasonably reliable, punctual and frequent public transport services.
- 39 The ideal remedy would be the suggestion made 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 are particularly concerned about the impact of construction traffic on Fairford Leys village and on Coldharbour Way. Increased traffic in Fairford Leys will have significant negative impacts on the character and setting of the village, whilst Coldharbour Way is regularly used by emergency vehicles and is not suitable for major use by HGVs.
- 40 Your petitioners are also concerned at the potential increase in traffic on roads through the village, routes used heavily by cyclists and pedestrians and particularly school children on journeys to and from St Mary's School. Your petitioners therefore expect

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 continues to operate effectively.

- 41 Such a plan should include the requirement that HGVs or associated construction traffic, including sub-contractors and local suppliers, must not use Coldharbour Way during peak times, including school drop off / pick up times, between 07.30 and 09.00 and 15.00-18.30. Said traffic should also be excluded from Coldharbour Way at unsociable times. 23.00-06.00. In the construction phase, your petitioners expect the nominated undertaker to maintain the road's quality, and after construction the road must be returned to its original nature and character with all damage made good. The promoter should establish a hotline enabling road users to report damage and these must be made available to the transport authority to ensure they are resolved in a timely manner.

Support for realignment of A4010

- 42 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 the proposal is to avoid unnecessary major structures, reduce traffic impacts and maintain ambulance access between Wycombe and Stoke Mandeville Hospitals.
- 43 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 might, in the future, support improved access to the hospital and southern Aylesbury.
- 44 The new road will affect travel patterns across Aylesbury and your petitioners therefore expect the promoter to prepare a comprehensive signage strategy, with the County Council, to ensure that new routes are clear, legible and understood by the travelling public.

Management and monitoring

- 45 Traffic impacts across the town will only be minimised if agreed remedies are not just implemented, but also managed and monitored throughout the construction period, and perhaps beyond. Your petitioners are not convinced that the current draft Code of Construction Practice offers sufficient assurances that the promoter or Nominated Undertaker will be bound by routeing agreements, working hours or banned routes, and are less convinced that others such as sub-contractors or local suppliers will be required to follow such stringent requirements.
- 46 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

- 47 Your petitioners share the concerns of neighbouring Councils about inadequate visual mitigation and landscaping across the Community Forum Area. Despite comments from Councils and others (including the National Trust) 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 changes have been made by the promoter. As a result residents across west Aylesbury face visual impacts with construction activity and the operational railway being visible from a significant number of residential properties.
- 48 Your petitioners believe that such a visual intrusion must be appropriately screened and mitigated. Their expectation is that extensive tree planting is carried out close to Fairford Leys before construction to ensure planned screening is as effective as possible. This tree planting must be designed in consultation your petitioners and the local community and be sensitive to the local environment.
- 49 Your petitioners also support the creation of a green tunnel extending from near the Princes Risborough railway line to a point adjacent to the Thame Valley viaduct, with sensitive landscaping and screening. This would incorporate or replace the land bridge proposed by the National Trust to protect Hartwell House. Such a feature could be a strong positive for the town and combined with the suggestion of using the railway to import and export materials, would make a major difference to Aylesbury and address the concerns alluded to in Secretary McLoughlin's speech. Your petitioners would happily host a visit from the Select Committee to increase their understanding of local issues.

Loss of green / open space

- 50 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 that form part of the current proposal. Works authorised by the Bill will destroy the playing fields throughout the construction phase, whilst Aylesbury Park Golf Course will be cut in half by the route. Both are significant amenities for our residents and your petitioners are regular users of the facilities meaning they are also directly affected.
- 51 With or without the green tunnel, your petitioners quite reasonably expect that if the playing fields and / or Aylesbury Park Golf Course become unviable for use because of works authorised by the Bill, alternative sites of equivalent or better quality must be provided elsewhere in the town at the promoter's expense.

Impact on local businesses

- 52 As a local authority representing parishioners, your petitioners are concerned that the Bill has failed to consider local businesses and employment. A number of businesses have chosen to locate here because of synergy with other businesses. Your petitioners do not want to see businesses moving outside the area because of HS2, but recognise that this may happen. Your petitioners expect all efforts to be made to relocate businesses locally and do not believe this an unreasonable expectation.

Compensation matters

- 53 Your petitioners believe all compensation proposals have failed to recognise blight felt by individuals living in homes, rented accommodation; or running businesses impacted by the plans for the railway. There are many examples of individuals and families yet to secure sufficient compensation despite exceptional circumstances.
- 54 Your petitioners ask your Honourable House to review compensation measures and recommend alternatives that are fair, equitable and reasonable. Too few have been approved for Exceptional Hardship or Compulsory Purchase and your petitioners believe this is unreasonable and should be addressed by your Honourable House.
- 55 Your petitioners also believe 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.

Health Impact Assessment (HIA)

- 56 Your petitioners are not convinced that the broader effects of HS2 have been assessed or measured and believes that insufficient mitigation is planned. Construction will have noise, dust, vibration, health and emotional effects not addressed in the current draft Code of Construction Practice and there is insufficient detail about Local Environment Management Plans to reassure your petitioners that these will properly address matters.
- 57 Whilst your petitioners note that the Code of Construction Practice is still draft and plans for Local Environment Management Plans have yet to be finalised, it requests that the Select Committee will require local community involvement in the preparation of Local Environment Management Plans. This should enable suitable mitigation to be proposed, discussed and considered.
- 58 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 ongoing discussions, the publication of further 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.
- 59 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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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Coldharbour Parish Council

AGAINST, By Counsel, &c.

