

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 Stone with Bishopstone and Hartwell 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 Stone with Bishopstone and Hartwell Parish Council. The Bill contains wide ranging powers to enable the Secretary of State to acquire land compulsorily outside the limits of land 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 a number of residents and businesses in your petitioners' area will be injuriously affected by the provisions of the Bill, as well as roads which are liable to be interfered with or used by construction traffic during the construction of the authorised Works. Your petitioners represent more than 2100 residents, many of whom will be affected by works proposed under the bill.
- 9 Your petitioners note the Environmental Statement deposited with the Bill includes proposals to mitigate the effects of the scheme, but are not satisfied that the measures proposed and their mitigation effects are adequate. Your petitioners are implacably opposed to the Bill, and the proposals for the high speed railway between London and Birmingham. Despite their opposition they have met with HS2 Ltd in bilateral and Community Forum Area meetings, and engaged in all consultations. Your petitioners are disappointed that despite such involvement few changes have been made.

Adequacy of the Environmental Statement

- 10 Your petitioners submitted comments about the Environmental Statement, published when the Bill was deposited. These included concerns about the document's adequacy and accuracy. Your petitioners do not believe that these support a proper assessment of the 'worst case scenario', meaning that a comprehensive assessment of the project is impossible.
- 11 Your petitioners request that further information is prepared to supplement the Environmental Statement to reduce the need for phrases like 'where practicable' and 'where reasonably practicable', and help secure better mitigation. The deficiencies must be addressed by the Bill's promoter, since the draft Environmental Minimum Requirements include obligations for the Nominated Undertaker, responsible for constructing and operating the railway, many of which are linked to the Environmental Statement and depend upon its accuracy.

Concerns about the Hybrid Bill

- 12 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.

Noise mitigation

- 13 Your petitioners are concerned that proposals to minimise the impacts of construction noise depends upon a draft Code of Construction Practice, making it difficult to have confidence in its contents and leaving your petitioners unable to test the efficacy of its proposals. Your petitioners expect that once the Code of Conduct Practice is finalised there must be consultation, giving those affected chance to review the standard of protection proposed.
- 14 Mitigation proposed to minimise the effects of noise once the railway is operational is described in the Environmental Statement as a combination of earth bunds and screening barriers. Your petitioners question why the height of barriers on the line of route through the Parish differ, especially as noise impacts are directly linked to barrier heights. In particular, your petitioners are concerned that there are no noise barriers proposed on Bishopstone and Sedrup side of the rail line, a matter that must be addressed by the promoter.
- 15 Your petitioners submit that across the Parish, except where green tunnels or other mitigation is proposed, the barriers should be of a consistent height, and as tall as possible. The detail of the Environmental Statement suggests that a maximum barrier height is five metres, an acceptable standard for the Parish, subject to appropriate design standards.

Train speed

- 16 Your petitioners note that the noise and carbon generated by a high speed train depends upon the train's speed. 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 Stone with Bishopstone and Hartwell Parish and across the western flank of Aylesbury. Your petitioners believe that it would be 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.

Visual mitigation and landscaping

- 17 Your petitioners share the concerns of neighbouring Councils about inadequate visual mitigation and landscaping across the Community Forum Area. Few changes have

been made by the promoter despite numerous comments from Councils and others, such as the National Trust, during engagement and consultation, including suggestions like a fully bored tunnel, a green tunnel or a series of land bridges. As a result residents across the area face visual impacts from construction and operation of the railway as it will be clearly visible from a number of residential properties.

- 18 Your petitioners believe that visual intrusions must be appropriately screened and mitigated. Their expectation is that extensive screening and landscaping is completed before construction to ensure it is as effective as possible. It should be designed in consultation with your petitioners and the local community and be sensitive to the local environment.
- 19 Your petitioners also support the inclusion of a green tunnel starting near the Princes Risborough railway line and extending to a point near the Thame Valley viaduct. This would incorporate or replace the land bridge proposed by the National Trust to protect Hartwell House. This proposal could be a strong positive feature for the town and combined with other requests, would make a major difference to Aylesbury and address the concerns alluded to in Secretary McLoughlin's speech. Your petitioners would happily work with neighbouring Councils to organise a site visit for the Select Committee to develop their understanding of local issues.

Specific impacts on residents

- 20 Your petitioners are concerned about the impact of both construction and operation on its residents in Lower Hartwell. Some properties there look towards the proposed Thame Valley viaduct and your petitioners do not believe that these needs have been properly considered in the Environmental Statement. As a minimum your petitioners expect the promoter to improve the visual screening and noise attenuation measures as the railway crosses the viaduct to minimise the impacts on Lower Hartwell.
- 21 Your petitioners have worked with the promoter and the National Trust to try and develop a mutually satisfactory plan for the realignment of the A418 Oxford Road, because of its impacts on residents in Sedrup and the Bugle Horn. Despite this activity, your petitioners representing their residents still have some concerns about the alignment of the road. Your petitioners, therefore, request that the promoter ensures the road is designed in a sympathetic and sensitive manner that respects the local environment and the rural nature of this area. Your petitioners also ask that the design be such that a lower speed limit of 40mph can be introduced.
- 22 Your petitioners are worried about the proposed Sedrup express feeder station located adjacent to the Oxford Road roadhead. The Environmental Statement includes very limited detail about the size, nature and design of this facility, and as ever with such matters the devil will always be in the detail. Your petitioners, therefore, wish to see much more information about the facility, including its purpose and the need for it, and assuming its need can be proved, your petitioners contend that its impacts could be minimised by undergrounding the cables providing supply.
- 23 Your petitioners, like many others, have noted and have severe reservations about the Oxford Road roadhead and the number of vehicle movements expected in and out of the site each day. They have a specific interest in the matter because a significant proportion of the 730 movements will be using the A418 through Stone. This will

expose your petitioners' residents to unacceptable noise, dust, disruption and congestion throughout the construction period. Your petitioners believe that this is unacceptable and therefore supports the proposal, set out below, to use the existing railway line from High Wycombe and Princes Risborough to import and export materials and equipment.

- 24 Your petitioners are concerned that there will also be impacts on Bishopstone residents. The road through the village of Bishopstone and the Bishopstone Road are already used as alternative routes for drivers wishing to travel north or south avoiding, sometimes congested, major routes. Your petitioners fear that throughout the construction period there will be an increase in all forms of traffic using the the road through the village of Bishopstone and Bishopstone Road, impacting on the quality of life for residents. The Environmental Statement suggests that the route may also be used by construction traffic accessing the satellite works compound east of Bishopstone. This is unacceptable to your petitioners, who expect construction vehicles to be banned from using the road through Bishopstone village as part of the Local Environment Management Plan. The road is a typical rural route with no footways and it is very difficult for two vehicles to pass safely. Your petitioners point to paragraphs that follow for further remedies to address the impact of construction traffic both within the Parish and across Aylesbury.
- 25 A final issue for local residents that your petitioners wish to raise is the realignment of the A4010, sometimes referred to as the Stoke Mandeville bypass. Your petitioners support Stoke Mandeville Parish Council and the proposed realignment in all but one aspect, namely the proposed landscaping and screening on the western edge of the new road. Your petitioners are concerned that the road may increase noise and visual intrusion for Bishopstone residents unless it is adequately and sensitively screened. For that reason your petitioners ask that the detailed design of the road be subject to comprehensive and meaningful public consultation, enabling all affected to voice their concerns and inform the design.

Electricity pylons

- 26 Electricity pylons are a major feature in the Parish and across the western side of Aylesbury. The Environmental Statement suggests that work is needed on the pylons east of Bishopstone to south of Oxford Road (A418) to increase their height to 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. Your petitioners would welcome clarification on this matter.
- 27 Your petitioners support Aylesbury Town Council who are seeking that the power lines be undergrounded to reduce visual intrusion and noise impacts and potentially reduce the need for such extensive works, affecting residents in both Aylesbury and Bishopstone. Cost factors should not be a consideration in this matter.

Transport impacts across Aylesbury

- 28 Your petitioners, along with Aylesbury Town, Stoke Mandeville and Coldharbour Parish Councils and other local authorities, are extremely worried about the likely 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 just one radial route, most recently during flood events, had significant impacts on journeys on every other radial route, and on many rural roads in surrounding villages.

- 29 The Environmental Statement reports 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.
- 30 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. If there are no peak time restrictions that means one HGV every minute. A further consequence of construction traffic is that every junction on the A41 from Aylesbury Vale Parkway station to the inner ring road will suffer extra congestion. Your petitioners have little faith in the Transport Assessment and the assumptions it employs, believing that the real impacts will be significantly greater, creating effects across a much wider area, possibly changing travel patterns for many years.
- 31 Your petitioners recognise that building HS2 will require the import and export of large quantities of materials and equipment over an extended period. They are also aware of the limitations of the local road network. They do believe, however, that the promoter of a major rail infrastructure project should be looking at non-road options for transporting materials and equipment. Your petitioners believe a much better option, would be to use the existing railway from High Wycombe and Princes Risborough to Aylesbury, already used for freight. New temporary sidings built on the south-west edge of Aylesbury would serve areas to the north and south along the planned line of route and help reduce construction impacts in the Parish.

Rat-running

- 32 An aspect not considered by the Environmental Statement is the previously highlighted use of minor roads across and around Aylesbury as alternatives to main routes, colloquially known as 'rat-running'. This was not assessed because HS2 Ltd stated there would be no 'reassignment' of traffic from main to minor roads. In other words the Transport Assessment assumes that every driver waiting in a queue on a busy route would continue to wait in traffic and not choose to find an alternative route. Your petitioners suggest that this assumption is not based in the real world.
- 33 As already stated Stone with Bishopstone and Hartwell Parish already suffers from rat-running with drivers choosing the road through Bishopstone village, the Bishopstone Road, Coldharbour Way and even other roads through villages to avoid existing pinch points. Your petitioners believe that these will become well used rat-runs as drivers seek to avoid Oxford Road, Bicester Road and Lower Road, and this is unacceptable.
- 34 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 the A418 through Stone and on the road through Bishopstone village and the Bishopstone Road. Increased traffic on these routes will have significant negative impacts on both communities, particularly at peak times when young people are making journeys to 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 in the area continues to operate effectively.

- 35 Such a plan should include the requirement that HGVs or associated construction traffic, including sub-contractors and local suppliers, must not use the A418 through Stone 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 prohibited during unsociable hours, between 20.00 and 06.00. Your petitioners also request that the village of Bishopstone and other communities at Sedrup, the Bugle Horn and Lower Hartwell are protected by imposing a total ban on all HS2 construction traffic at all times.

Management and monitoring

- 36 Traffic impacts 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, operating 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.
- 37 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.

National Trust proposals

- 38 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.
- 39 The National Trust has taken time and effort to persuade the Bill's promoters to provide appropriate mitigation. The initial proposal for a 'land bridge' over the proposed railway, was welcomed by the promoter but subsequently dropped from the Bill, despite an acknowledgement that impacts on Hartwell would be very adverse. Your petitioners respectfully ask your Honourable House to amend the Bill to include both the National Trust's land bridge and the Councils' green tunnel proposals instead of the current inadequate mitigation proposals provided in the Bill.

Compensation matters

- 40 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 compensation despite exceptional circumstances. Your petitioners ask your Honourable House to review compensation measures and recommend alternatives that are fair, equitable and reasonable.
- 41 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)

- 42 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 whilst there is insufficient information about Local Environment Management Plans to reassure your petitioners that these will properly address local matters.
- 43 Your petitioners ask the Select Committee to instruct the promoter to include local community involvement in the preparation of Local Environment Management Plans. This should enable suitable mitigation to be proposed, discussed and considered.
- 44 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.
- 45 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 petitioners, 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signature of Agent for the Petitioner



IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Stone with Bishopstone and
Hartwell Parish Council

AGAINST, By Counsel, &c.

Marcus Rogers

--	--