

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 Vincent and Sheelagh Nolan of 13 Marsh Lane, Stoke Mandeville

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 the freehold owners of 13 Marsh Lane, Stoke Mandeville (your petitioners' property). This has been their home for 32 years. Your petitioners' property is located on Marsh Lane and therefore a regular user of said road which is liable to be used by construction traffic during the period of construction of the works authorised by the Bill and is liable to be interfered with for the purposes of works authorised by the Bill.
- 8 From your petitioners' property, they enjoy views across open fields on the west of Stoke Mandeville and can see the point at which the rail line crosses from Risborough Road, where it crosses Marsh Lane and to the point where it is planned that the existing Princes Risborough to Aylesbury railway will cross HS2. As a consequence their views will be spoilt during both the construction and the operational phases of the railway.
- 9 Your petitioners wish it to be noted that the line will pass approximately 400 metres from their property at its closest point and the adjacent property, Silverbrook Cottage, which is some 20 metres further away from the line, was recently purchased by the Bill's promoter under the Exceptional Hardship Scheme. Your petitioners and their rights, interests and property will be injuriously affected by the provisions of the Bill, and your petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.

#### *Adequacy of the Environmental Statement*

- 10 Your petitioners are concerned about the adequacy and accuracy of the Environmental Statement deposited with the Hybrid Bill and do not believe that it presents an assessment of the 'worst case scenario'. Your petitioners request that any deficiencies are 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*

- 11 Your petitioners have grave concerns about for 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.

- 6
- 12 Specifically, your petitioners highlight Clause 31, schedule 20 that removes key legal safeguards protecting public water supplies. It is believed that these have been lifted because documents 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 petitioners contend that this is unacceptable and must not be allowed to pass into law.
  - 13 Further your petitioners reference Clause 39 that obviates the usual legal procedure for closing a railway line or station if Ministers deem its closure 'necessary or expedient' for HS2. The Railways Act 2005, requires such closures to pass through a complex process, involving long notice periods, transport assessments and consideration of hardship. Your petitioners are 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.
  - 14 Your petitioners point 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 petitioners strongly object. This clause must not be allowed to pass into law.
  - 15 The final clause of concern to your petitioners is Clause 51 that establishes a new 'right of entry' for anyone nominated by HS2 to enter any property within 500 metres of the line, with refusal to provide entry a criminal offence. It is of grave concern to your petitioners that this new power does not only apply to Phase 1 but also to any property near any other potential future high-speed line, even if no separate Bill for it has been published, let alone passed. This too is unacceptable to your petitioners and must not be allowed to pass into law.

#### *Noise and visual intrusion*

- 16 Your petitioners believe that ultra-high speed trains travelling at speeds up to 400 kph, or 250 mph, at a frequency of one train every two minutes, passing just 400-450 metres from their home will shatter the present tranquillity that they enjoy as a consequence of the property's rural setting.
- 17 Mitigation planned to manage noise once the railway is operational is described in the Environmental Statement as both earth bunds and screening barriers. Your petitioners are concerned that barrier heights vary so much and contend that screening barriers should be of a consistent height, as high as possible. The detail of the Environmental Statement suggests that a maximum barrier height is five metres, which is an acceptable standard to your petitioners, subject to appropriate design standards and landscaping.
- 18 Your petitioners note, however, that at speeds above 320 kph, airborne noise (i.e. that created by the catenaries) is the predominant noise source, for which earth bunds or screening barriers offer little mitigation.

### *Train speed*

- 19 Your petitioners request that to reduce airborne noise, the maximum operational speed through Stoke Mandeville Parish and across the western edge of Aylesbury should be reduced to 320 kph. Your petitioners support the extent suggested by others including Councils that this could be from the Wendover green tunnel to the Thames valley viaduct. It has been calculated that the additional journey time resulting from this change would be no more than one minute.
- 20 Your petitioners note that the Environmental Audit Committee has recommended a similar reduction in train speeds as a way to reduce carbon emissions from HS2. They also recall that high speed rail proposals were presented in the Coalition Agreement as part of the Government's plans for a low carbon economy, something refuted by the same Committee.

### *Health Impact Assessment (HIA)*

- 21 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.
- 22 Your petitioners ask the Select Committee to instruct the promoter to organise comprehensive and meaningful consultation on the Code of Construction Practice once it is finalised and include local community involvement in the preparation of Local Environment Management Plans. This should enable suitable practices and procedures to be adopted and sufficient mitigation to be proposed, discussed and considered.
- 23 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.
- 24 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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