

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013 - 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

Against – On Merits – Praying to be heard by counsel, etc.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION of Wendover Church of England Junior School, Wharf Road,
Wendover, Buckinghamshire, HP22 6HF.

SHEWETH as follows:-

1. A Bill (hereinafter called "the Bill") has been introduced into 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, Mrs Secretary May, Secretary Vince Cable, Mr Secretary Duncan Smith, Mr Secretary Pickles, Mr Secretary Paterson, Mr Secretary Davey and Mr Robert Goodwill.
3. Clause 1 (Power to construct and maintain works for Phase One of High Speed 2) of the Bill would enable the nominated undertaker to construct and maintain the works specified in Schedule 1 ("the scheduled works") and deviate within the limits within the limits of deviation.
4. Clause 2 (Further provision about works) of the Bill would enable the nominated undertaker to carry out the works in Clause 2 and Schedule 2 and Schedule 3 to the Bill.
5. Clause 3 (Highways) would enable the nominated undertaker to exercise the powers in Schedule 4 to the Bill.
6. Clause 4 (Power to acquire land compulsorily), Schedule 5 and Schedule 6 of the Bill would enable the Secretary of State to compulsorily acquire so much of the land within the Act limits (within the limits of deviation for the schedule works, or within the limits of the land to be acquired or used) as may be required for Phase One purposes and sets out applications of compensation provisions.
7. Clause 5 (Acquisition of rights in land), Schedule 7 and Schedule 8 of the Bill would enable the Secretary of State to exercise the power under Clause 4 to create or acquire easements and impose restrictive covenants. Clause 5 of the Bill would also enable

Schedule 9 that contains provisions about the application of compulsory purchase legislation.

8. Clause 6 (Acquisition of part of land) of the Bill would enable the provisions of Schedule 10 to apply instead of section 8(1) of the Compulsory Purchase Act 1965.
9. Clause 7 (Acquisition of airspace) of the Bill would enable the Secretary of State to exercise the power under Clause 4 in relation to air space over the land only. Clause 7 excludes the limitation on only selling part of a house, building, manufactory, park or garden belonging to a house under section 8(1) of the Compulsory Purchase Act 1965.
10. Clause 8 (Acquisition of subsoil or under-surface) and Schedule 11 of the Bill would enable the Secretary of State to exercise the power under Clause 4 only in relation to subsoil or under surface of the land. Clause 8 excludes the limitation on only selling part of a park or garden belonging to a house under section 8(1) of the Compulsory Purchase Act 1965.
11. Clause 9 (Highway subsoil) of the Bill would enable the nominated undertaker to enter upon, take and use for the purposes of the works authorised by the Act so much of the subsoil of any highway within the Act limits as is required for the maintenance of those works, without being required to acquire that subsoil or any interest in it. Clause 9 of the Bill would also enable Schedule 12 and restrictions on powers to use subsoil and acquire land.
12. Clause 10 (Termination of power to acquire land) of the Bill would enable the Secretary of State to make an order extending the termination date for exercising the power to acquire land by 5 years and would enable Schedule 13 that contains provisions about a right to require acquisition where an order is made.
13. Clause 11 (Extinction of rights over land) and Schedule 14 of the Bill would enable the extinguishment of private rights of way, rights of common, easements, liberties, privileges rights, advantages, natural right to support and restrictions under contract.
14. Clause 12 (Extinction of rights of statutory undertakers) of the Bill would apply section 271 to 273 of the Town and Country Planning Act 1990 (extinguishment of rights of statutory undertakers).
15. Clause 13 (Exclusion of new rights of way) of the Bill would exclude the acquisition of rights of way by prescription or user over land.
16. Clause 14 (Temporary possession and use of land) would enable the nominated undertaker to exercise the powers in Schedule 15 of the Bill including specified land and land within the limits of deviation.
17. Clause 15 (Use of roads) would enable the nominated undertaker to use roads situated on land in Schedule 8 and paragraph 2 of Schedule 11.
18. Clause 16 (Cranes) of the Bill would enable the nominated undertaker to use airspace for the oversailing of Cranes.
19. Clause 17 (Enforcement of restrictions on land use) of the Bill would enable the Secretary of State to enforce the prohibition or restriction of use of land imposed by

covenant or agreement between a person interested in the land (the promisor) and the Secretary of State against persons deriving title from or under the promisor.

20. Clause 18 (Compensation for injurious affection) of the Bill would enable section 10(1) of the Compulsory Purchase Act 1965 to have effect in relation to land injuriously affected by the execution of works under the Act by the nominated undertaker.
21. Clause 19 and Schedule 16 (Deemed planning permission) of the Bill would deem planning permission to be granted, impose planning conditions and require the nominated undertaker to submit details to the planning authorities for approval.
22. Clause 20 (Time limit on deemed planning permission) of the Bill would enable the Secretary of State to extend the time for beginning development beyond the 10 year time limit.
23. Clause 21 (Power to disapply deemed planning permission) of the Bill would enable the Secretary of State by order provide that the deemed planning permission does not apply to development consisting of operations for the maintenance or alteration of the work which began on or after a day specified in the order.
24. Clause 22 (Parking at Birmingham Interchange: limit on deemed planning permission) of the Bill would limit the application of the deemed planning permission in relation to development involving parking spaces.
25. Clause 23 (Development Consent) of the Bill would provide that the works authorised by the Act do not require consent under the Planning Act 2008.
26. Clause 24 (Listed buildings) and Schedule 17, Clause 25 (Ancient monuments) and Schedule 18, Clause 26 (Burial grounds) and Schedule 19, Clause 27 (Consecrated land), Clause 28 (Commons and open spaces), Clause 29 (Trees), Clause 30 (Overhead lines), Clause 31 (Water) and Schedule 20, Clause 32 (Buildings) and Schedule 21 and 22, Clause 33 (Street works) and Schedule 23, and Clause 34 (Lorries) and Schedule 24 of the Bill would disapply or modify statutory controls.
27. Clause 35 (Noise) of the Bill would enable Schedule 25 and provide the nominated undertaker with a defence in respect of statutory nuisance.
28. Clause 36 (Local Acts) and Schedule 26 of the Bill would disapply or modify statutory controls.
29. Clause 37 (Objectives of Office of Rail Regulation) of the Bill would include in the section 4(1) objectives of the Railways Act 1993 the objective of facilitating the construction of Phase One of High Speed 2 and provides that the Office of Rail Regulation must consult the Secretary of State.
30. Clause 38 (Disapplication of licensing requirement on pre-operational phase) of the Bill would disapply section 6(1) of the Railways Act 1993 (which prohibits any person from acting as the operator of a railway asset unless authorised by a licence).
31. Clause 39 (disapplication of statutory closure provisions) of the Bill would enable the disapplication of statutory closure provisions for railways.

32. Clause 40 (Other railway legislation etc.) of the Bill would enable schedule 27 that contains provisions about the application of railway legislation.
33. Clause 41 (Co-operation) of the Bill would enable the nominated undertaker to require a controller of an asset or facility to enter into an agreement with the nominated undertaker about how the matter is to be dealt with and Schedule 28 contains provisions about arbitration.
34. Clause 42 (Transfer of functions relating to works) of the Bill would enable the Secretary of State to order that a railway operator to transfer powers or duties to the Secretary of State or nominated undertaker.
35. Clause 43 (Nominated undertaker) of the Bill would enable the Secretary of State to appoint a nominated undertaker.
36. Clause 44 (Transfer schemes) of the Bill and Schedule 29 would enable the Secretary of State to make transfer schemes for the transfer of property, rights and liabilities.
37. Clause 45 (Extension of planning permission for statutory undertakers) of the Bill would enable Schedule 30 and provisions about certain works carried out by statutory undertakers.
38. Clause 46 (Protective provisions) of the Bill would enable Schedule 31 that contains provisions protecting the interests of certain persons who may be affected by other provisions of the Act.
39. Clause 47 (Compulsory acquisition of land for regeneration or relocation) of the Bill would enable the Secretary of State to compulsorily acquire any land if the construction or operation of Phase One of HS2 gives rise to the opportunity for regeneration or development of the land.
40. Clause 48 (Power to carry out reinstatement works) of the Bill would enable the nominated undertaker to carry out re-instatement works within the Act limits where the operation or use of the whole or part of an undertaking is discontinued or substantially impaired as a result of the exercise of any power under the Bill carryout reinstatement works.
41. Clause 49 (Works in Scotland for Phase 1 purposes) of the Bill would enable the Scottish Ministers to make an order relating to the carrying out of works in Scotland for Phase One purposes.
42. Clause 50 (Power to Apply Act to further high speed rail works) of the Bill would enable a Transport and Works Act order to apply any provision of the Act, with or without modification, to anything authorised by the order.
43. Clause 51 (Rights of entry for further high speed rail works) of the Bill would enable an authorise person in connection with the Bill or proposed Bill to enter any land within 500 metres of the route of the line for surveying the land or facilitating compliance with EU environmental protection legislation.
44. Clause 52 (Exercise of rights of entry) of the Bill would enable provisions relating to exercising rights of entry.

45. Clause 53 (Application of powers to Crown land) of the Bill would enable powers conferred on the nominated undertaker to be exercised in relation to Crown land with the consent of the Crown Authority.
46. Clause 54 (Highways for which Secretary of State is highway authority) of the Bill would enable powers conferred on the nominated undertaker under the Act with respect to works may be exercised in relation to a highway for which the Secretary of State is the highway authority with the Secretary of State's consent.
47. Clause 55 (Crown Estate) of the Bill would enable the disapplication section 3(1) and 2 of the Crown Estate Act 1961 (limitations on Crown Estate Commissioners' powers of disposal in relation to land under their management).
48. Clause 56 (Royal parks) of the Bill would enable the Secretary of State to grant a lease of royal park land or easement or other right over royal park land.
49. Clause 57 ("Deposited plans" and "deposited sections") of the Bill would enable a copy of deposited plans or deposited sections, or any extract from those plans or sections, certified as such by the Secretary of State to be admissible in any proceedings as evidence of its contents.
50. Clause 58 (Correction of deposited plans) of the Bill would enable the Secretary of State to apply to two justices for the correction of the plans or book of reference.
51. Clause 59 (Environmental Impact Assessment Regulations) of the Bill would enable the Environmental Impact Assessment Regulations to have effect as if the definition of "EIA development" in regulation 2(1) and regulation 8 is amended.
52. Clause 60 (Arbitration) of the Bill would enable differences to be referred to and settled by a single arbitrator to be agreed between the parties of appointed by the President of the Institution of Civil Engineers
53. Clause 61 (Notices and other documents) of the Bill would enable provisions relating to the delivering of documents and notices.
54. Clause 62 ("Phase One Purposes") of the Bill would enable the definition of "Phase One Purposes".
55. Clause 63 (Interpretation) of the Bill would enable the definitions set out in clause 63.
56. Clause 64 (Financial provision) of the Bill would enable the payment of expenditure incurred by the Secretary of State in consequence of the Act and any increase attributable to the Act in the sums payable out of money so provided under any other enactment.
57. Clause 65 (Commencement and short title) of the Bill would enable the Act to come into force on the day it is passed and for it to be cited as the High Speed Rail (London – West Midlands) Act 2014.
58. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker"). Further

works are also detailed in Clause 2 and Schedule 2 of the Bill. Clause 47 enables the compulsory acquisition of land for regeneration or relocation that extends beyond the works in Schedules 1, Clause 2 and Schedule 2.

59. On 12 May 2014, the full Governing Body of your Petitioner resolved to petition Parliament over its concerns about the construction and operation of the proposed High Speed 2 line (HS2) which passes through the village and the potential impact on student travel, safety and welfare during the extensive construction works proposed for reasons, amongst others, hereinafter appearing.

60. Your Petitioner is concerned that the construction and operation of the high speed railway and associated development at Wendover poses a risk to the education of, and health and safety of, your children whom attend Wendover Church of England Junior School. This petition is made on behalf of the Governors, Staff and Children who attend Wendover Church of England Junior School.

61. Travel Plan For Pupils

61.1 Your Petitioner requests that the nominated undertaker makes a binding commitment to school health and safety training for the construction and operation of the high speed railway and associated development including agreeing a travel plan with the relevant local authority for children attending school to ensure continued access to education facilities in safe manner.

62. Construction of works proposed to be authorised by the Bill

62.1 Your Petitioner is concerned about the impact of the construction and operation of a high speed railway and its associated development including but not limited to Small Dean Viaduct Main Compound, Wendover Green Tunnel (South Portal) and Wendover Green Tunnel (North Portal).

62.2 Your Petitioner requests that the nominated undertaker is subject to binding mitigation measures to mitigate the impacts of the works to build the Wendover Green Tunnel. These binding mitigation measures should include but not be limited to restrictions on noise, dust, vibration construction hours, vehicle movements, operating hours, design of structures. Monitoring compliance with these restrictions and enforcement of these restrictions. The nominated undertaker should also mitigate the impact of noise, noise, dust, vibration and impacts on visual amenity through measures such as noise insulation and barriers, sheeting of haulage vehicles, hand piling, and sympathetic design in keeping with the surrounding area.

63. Highways

63.1 Your Petitioner is concerned that the construction of the high speed railway and associated development at Wendover and on the wider area will impact significantly upon the quiet enjoyment of Wendover Junior School and the neighbourhood by way of noise, disturbance, visual intrusion and traffic increases.

63.2 Your Petitioner is concerned about the use of unsuitable highways by large vehicles delivering equipment and supplies, and removal of spoil during the construction works as well as use of highways by other vehicles. The disruptive effect of these vehicle movements will be compounded by stopping up and/or diversion of

Ellesborough Road and Bacombe Lane. The use and routing of large vehicles within the vicinity of the Wendover Junior School is also a matter of concern to your Petitioner.

63.3 Your Petitioner requests that hours for the movement of construction traffic are limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles, and other miscellaneous related matters.

63.4 Your Petitioner requests that large vehicles as well as other construction traffic must be strictly controlled, having regard to the particular sensitivities of the area. Your Petitioner therefore requests that the nominated undertaker should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and your Petitioner.

63.5 Your Petitioner requests that binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforced by environmental health officers

63.6 Your Petitioner is concerned about the risk to public safety posed by the large, heavy lorries and articulated vehicles, especially in light of the fact that the roads are narrow. Your Petitioner is also concerned about the access leaving and entering the construction site(s).

63.7 Your Petitioner requests that risk assessments should be completed by the nominated undertaker, relevant statutory undertakers and emergency services in relation to the access and transport issues raised by construction activity for each Community Forum Area. Your Petitioner requests that the results the risk assessment should be available to the public.

63.8 Your Petitioner is concerned about the wear and tear, and degradation to the highways as a result of construction traffic.

63.9 Your Petitioner requests that appropriate funding should be provided by the nominated undertaker to the highway authority for the maintenance, repair and re-instatement of highways required as a result of use by construction traffic.

64. **Wheel washing**

64.1 Your Petitioner is also concerned about the risk to health and safety by presence of mud and other debris on the highways as a result of the construction traffic.

64.2 Your Petitioner requests that there are binding mitigation measures including detailed measures for wheel washing of all vehicles exiting the site(s) onto the highway network and a clear protocol is defined within the Local Environmental Management Plan, enforced and communicated to all employees of the nominated undertaker, contractors and visitors. The person(s) with overall responsibility for ensuring that the protocol is put into practice on sites should be clearly identified.

The local highways authority that have responsibility for monitoring compliance with and enforcement of the protocol and should be clearly identified in the protocol.

65. Prohibiting and/or restricting construction traffic/alternative routes

- 65.1 Your Petitioner is concerned about the impact of construction traffic on Wendover, specifically Ellesborough Road, Pound Street, South Street, High Street, Aylesbury Road and Tring Road. This area is not suitable for construction traffic because it provides the main routes for school children to travel to school. As a village, where families live close to the school and choose to walk on a daily basis, the increased traffic will pose a risk to health and safety to them.
- 65.2 Your Petitioner requests that all construction traffic is fully prohibited from using Ellesborough Road, Pound Street, South Street, High Street, Aylesbury Road and Tring Road and instead construction traffic is routed through the construction area itself or by A413 Nash Lee Road to minimise impacts on the area and, in particular, the impact of construction vehicles. The alignment and design of any alternative route must be agreed with the local community and the local highways authority in order to minimise landtake and ensure it is appropriate for the location. When the road is no longer required for construction traffic your Petitioner request that it should be reinstated to the former land use.

66. Noise

- 66.1 Your Petitioner is concerned about the effects of noise arising from the construction of the high speed railway and associated development including heavy lorry traffic.
- 66.2 Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt at Wendover junior School and there are no other adverse effects.
- 66.3 Your Petitioner requests that there should be binding mitigation measures including an effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development.
- 66.4 The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled *HS2 and the environment thirteenth Report of Session 2013-2014* dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.
- 66.5 Your petitioner is concerned about the impact of noise on the Wendover Church of England Junior School as the trains pass the area. Noise from passing trains will directly impact on your petitioner's school site and education of children.

- 66.6 Your petitioner requests that the alignment of the railway is placed in a full-bored tunnel throughout the alignment that passes Wendover in order to alleviate noise impact on your Petitioner's school site and the surrounding public rights of way.
- 66.7 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 66.8 Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

67. Air Quality

- 67.1 Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development.
- 67.2 Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.
- 67.3 Your Petitioner requests that the local authority should be provided with funding to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available.

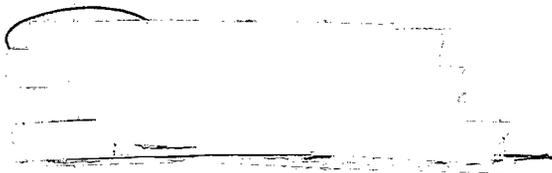
68. Code of Construction Practice

- 68.1 Your Petitioner is concerned that the nominated undertaker's ongoing accountability is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective, however, the Code of Construction Practice has no legal status.
- 68.2 Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts.
- 68.3 The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority and Community Forum Area. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice.

- 68.4 Your Petitioner submits that a specific construction management plan should be produced to manage and co-ordinate the operation of construction camps which should clearly outline the phases of activity and a co-ordinated management of their interaction, and a framework for enforceable measures. A construction management plan should be available to each Community Forum Area showing the timetables and community impact, as well as mitigation measures.
- 68.5 Your Petitioner submits that clear and easy to follow enforcement mechanisms for local communities and local authorities should be included in the Bill. This will provide a commitment to rectify or compensate for environmental impacts.
69. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to out representation before the Select Committee.
70. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
71. 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) interests and property and for which no adequate 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 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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, etc



Roger Waller, Agent for the above-named Petitioner.

BACKSHEET:

IN PARLIAMENT

HOUSE OF COMMONS SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF WENDOVER CHURCH OF ENGLAND JUNIOR SCHOOL

Against the Bill - On Merits - By Counsel

