

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, &c.

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

THE HUMBLE PETITION of Glebe Farm Limited

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 Glebe Farm Limited of Glebe farm, Turweston. The Bill would authorise the compulsory acquisition of over 25% of the land occupied by your petitioners, to which they object. Furthermore, the rest of the farm 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 Petitioner is concerned that the construction and operation of the high speed railway and associated development at Turweston and around Brackley poses a risk to the commercial activities undertaken at Glebe Farm. The current plans for HS2 mean activities will be significantly disrupted due to years of severe congestion around Brackley
9. Noise and dust will be generated by both preparatory works and construction works in addition to that noise generated by the use of both light and heavy goods vehicles for the movement of people, materials and spoil into and from construction sites. During the operational phase noise will arise largely from trains passing as close as 50 metres from the remainder of the farm.

Adequacy of the Environmental Statement

10. Your petitioners, along with many others, prepared and submitted 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.
11. In the case of Glebe Farm, the environmental statement gave its area as over **10 times larger** at 526 ha against its actual size of 44 ha and loss and severance of land amounting to 13.9 ha during construction (30%) and 8.6 ha permanently (20%) as 'negligible'.
12. The Environmental Statement contains many inaccuracies that do 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 worried that baseline assumptions have yet to be substantiated.
13. 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' to ensure a greater commitment to thorough mitigation, and address the missing link between an acknowledged growth in traffic and minimal impact on air quality.
14. It is vital 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.

Unnecessary land take

15. Your petitioner believes that a significant amount of land that the Nominated Undertaker intends to compulsory purchase is not required by them on anything other than a temporary basis and request that the land area to be compulsory purchased is reduced.

Electricity pylons

16. Your petitioners do not agree with the scheme promoter that the current design for the deep cutting and realignment of pylons is the only alternative in this area. Interestingly HS2 Ltd have advised that the power lines carried by the pylons cannot cross the railway line because of maintenance difficulties for the supplier. This advice conflicts with the proposals for pylons west of Aylesbury, where HS2 Ltd plan to raise pylon height to increase clearance between power lines and the catenaries for the railway. Your petitioners would welcome an understanding of why two locations in the same District are treated so differently and believe that both communities would prefer the same solution, placing the power lines below ground.

Access for staff and visitors to our business

17. Your Petitioner requests that the nominated undertaker makes a binding commitment to effective travel planning for the construction and operation of the high speed railway and associated development including agreeing a travel plan with the relevant local authority for businesses in the area

Disruption from construction and operation of HS2

18. 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 construction operations including moving almost **9 million tonnes** of material, up to 1,430 HGV movements per day for up to two years, two construction compounds, storage compounds, overhead cranes, and then the noise and impact of the operation of the railway to Glebe Farm.
19. Your Petitioner requests that the nominated undertaker is subject to binding mitigation measures to mitigate the impacts of the works. These binding mitigation measures should include but not be limited to restrictions on noise, dust, vibration, construction hours, vehicle movements, operating hours and design of structures to ensure that Glebe Farm Limited can continue to function after the construction of HS2 commences.
20. Your petitioner submits that the nominated undertaker has no incentive to minimize harmful environmental impacts arising from the construction and operation of the high-speed railway and submits that measures designed to ensure effective monitoring of compliance with these restrictions and enforcement of these restrictions be introduced to the Bill. The nominated undertake should also mitigate the impact of 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.

Noise impact

21. Your petitioner is concerned about the impact of noise on Glebe Farm as trains from the high speed line pass the area. Noise from passing trains will directly impact on your petitioner's property
22. 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 the minimum possible noise can be heard at Glebe Farm and there are no other adverse effects.
23. 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.
24. 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 reflect prevailing World Health Organisation guidance.
25. 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. Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

Noise and visual impacts – electricity pylons

26. Your petitioners have already stated their concerns about the proposal to divert the power line and electricity pylons west of the proposed scheme taking further land from Glebe Farm and moving it closer to closer to Turweston. The reason given is not consistent with proposals elsewhere, and your petitioners contend that it is not necessary.
27. The Department for Transport acknowledge that HS2 will lead to a loss of amenity in Turweston and yet seem happy for this to be exacerbated by realigning the pylons closer to the village with further visual intrusion, noise (construction and operational phases), and irreparable damage to the Queen Elizabeth II Diamond Jubilee playing field in the village.
28. Your petitioners repeat their contention that the power lines should be undergrounded, on their existing alignment. If that is not possible for an overriding reason, not including cost, then your petitioners are convinced that a deep bored tunnel or extended green tunnel will allow the pylons to remain in their current position.

Highways and Construction Traffic

29. Your Petitioner is concerned that the construction of the high speed railway and associated development at Glebe Farm, Turweston, Brackley and the wider area will severely impact upon the quiet enjoyment of your petitioner's premises and the neighbourhood by way of noise, disturbance, visual intrusion and traffic increases. This will include up to 1,430 HGV movements per day and major works on three of the four routes into Brackley.
30. 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 major road realignments which will impact the ability of staff and visitors to get to the business premises.
31. Your Petitioner requests that hours for the movement of construction traffic is prohibited between 07:30 to 09:00 and to 15.00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles to ensure that disruption is minimized.
32. Your Petitioner further 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 employed by the local authority.

Code of Construction Practice

33. 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.
34. 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.
35. 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.
36. 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.

Air Quality

37. 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 on Glebe Farm
38. 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 Glebe Farm Ltd. Your petitioner submits the nominated undertaker be required to ensure its activities do not breach the standards detailed in such regulations and if such standards are breached, your Petitioner requests that the Nominated Undertaker be required to cease its activities until air quality standards are brought into line with such standards.
39. 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 these binding mitigation plans and that the results of monitoring are made publicly available.
40. 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 our representation before the Select Committee.
41. 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.
42. 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, &c

SIGNED

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