

**IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL
PETITION**

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 The Right Honourable John Bercow MP

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 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. Cla ses 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioner is the Member of Parliament for the Buckingham constituency, has been since May 1997 and owns a residential property within that area. Your Petitioner holds regular advice surgeries which draw individuals from across the constituency to access the assistance of their elected Member of Parliament. Your Petitioner is significantly affected by the scheduled works as the traffic congestion and road closures resulting from the construction of HS2 in the Buckingham constituency and surrounding areas will cause problems in carrying out his job within his constituency as access will be difficult when crossing the constituency, with delays as a result of diversions and closures. Furthermore, your Petitioner is likely to incur delays in journey times travelling to and from his home. A significant number of your Petitioner's constituents are persons who live in properties which will be compulsorily acquired, or if not being compulsorily acquired, are located within close proximity of the high speed railway and associated construction sites and will therefore be severely affected by the works authorised by the Bill to which your Petitioner objects for the reasons set out

below. Your Petitioner represents the views of the residents and businesses that are affected by the Bill and in particular those residents who are not able to petition themselves.

8. High Speed 2 is the single biggest issue your Petitioner has dealt with in his seventeen years as an elected representative, having been approached by many hundreds of concerned constituents since March 2010 when proposals were first put forward. As a Member of Parliament, your Petitioner represents the views and conveys the concerns of residents and businesses in his constituency, notably those who find themselves unable to petition.
9. Your Petitioner respectfully requests that he be called before the High Speed Rail (London – West Midlands) Bill Select Committee in his capacity as a Member of Parliament, elected to serve the will of the people of the Buckingham constituency and represent their views on an issue of such great importance.
10. On behalf of his constituents, your Petitioner objects to all the impacts of the surface works and operation of the railway, in particular the works (2/34 – 2/36, 2/39, 2/143, 2/43 – 2/110B, as far as they affect the Buckingham constituency), the land acquisition and its designated uses, the highways and electrification changes, as listed in Schedule 1, 3, 4 and 5 of the Bill, and in the parishes of Ellesborough, Great and Little Kimble cum Marsh, Stone with Bishopstone and Hartwell, Fleet Marston, Waddesdon, Quainton, Grendon Underwood, Calvert Green, Steeple Claydon, Calvert, Twyford, Preston Bissett, Chetwode, Fimmere, Mixbury, Westbury and Turweston.

11. Noise, Light and Vibration

- I. Your Petitioner has concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway in those communities in his constituency adversely affected due to proximity to High Speed 2.

- II. A number of constituents living in various parts of your Petitioner's constituency have repeatedly requested improved noise mitigation, including improved sound barriers.
- III. Your Petitioner does not think it acceptable that residents should have to endure the impact of increased noise and vibration resulting from a project they did not ask for and do not want. As such, your Petitioner requests that High Speed 2 Ltd should bear the costs of fully sound-proofing individual properties in order that unwanted sound emanating from the construction or operation of High Speed 2 is completely abated.
- IV. Your Petitioner is concerned about light pollution across his rural constituency, emanating – inter alia – from construction compounds, satellite compounds, depots and associated works. Your Petitioner seeks an assurance that the nominated undertaker agree with parish authorities appropriate mitigation to protect local residents from unwanted intrusion.

12. Traffic and road closures

- I. Your Petitioner is concerned by the number of road closures and diversions in the Buckingham constituency and by the volume of construction traffic which will run on roads which are unsuited to both HGV and other construction vehicles and will be unable to withstand the high levels of lorry movements as set out in the Environmental Statement.
- II. The road network throughout the constituency is already under great pressure and the additional traffic rising from the construction of High Speed 2 will make the situation intolerable for residents across the Buckingham constituency.
- III. Your Petitioner seeks a binding commitment from High Speed 2 Ltd to minimise the negative impact on public highways. Your Petitioner requests that the nominated undertaker should be subject to binding mitigation measures in

relation to the control of all traffic, including the routing of construction traffic and assessment of suitability of roads for construction traffic.

- IV. Your Petitioner further seeks an undertaking that construction vehicles travelling close to residential dwellings do so only during working hours. In addition, your Petitioner seeks assurances that routes are planned in advance to avoid peak travel times resulting in minimal disruption for your Petitioner's constituents. Your Petitioner requests that limits are placed on the number of vehicle movements and the size of such vehicles.
- V. Your Petitioner requests that traffic management plans be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority, with consultation with the local community. Any such plan should be monitored and sanctions should be at the disposal of local authority officers.
- VI. Changes to roads designated as construction traffic routes will alter the character of a largely rural area. Your Petitioner requests that, upon completion of construction works, roads be reinstated to their original condition.
- VII. The additional pressure on the road network will have a detrimental impact on emergency and blue-light services which rely on easy access routes in a largely rural area. Construction works will result in road diversions and travel disruption for emergency service vehicles. Your Petitioner therefore requests that High Speed 2 Ltd should meet the cost of purchasing and maintaining a full-time air ambulance service in order that traffic delays do not result in injury or loss of life.

13. Code of Construction Practice

- I. Your Petitioner is concerned that the nominated undertaker's ongoing accountability regarding construction practice is unspecified. The Code of Construction Practice does not specify 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 and could be unenforceable and remain unmonitored.

- II. Your Petitioner requests that a Code of Construction Practice be incorporated into the Bill.
- III. Your Petitioner is concerned that the standard set out in the Environmental Statement is of 'reasonableness' and 'reasonable endeavours'. Your Petitioner strongly believes that this should be replaced by a higher standard, such as 'best practicable means', and that any such measures are agreed with by the local authority/authorities.
- IV. Your Petitioner further requests that local monitoring bodies should be created to ensure that the Code of Construction Practice is being complied with. Such a body should have the power to bring construction to a standstill should the nominated undertaker be found to be in breach of the Code of Construction Practice.

14. Compensation

- I. Your Petitioner is concerned about the effects of the construction and operation of High Speed 2 on the value of his constituents' properties. Property values are depressed in the areas near to the line and a number of communities will suffer further blight when construction works begin. This is a very great cause of concern, stress and anxiety to your Petitioner's constituents who wish to sell their properties yet find themselves unable to do so. Only a very small number of your Petitioner's constituents who are currently blighted by High Speed 2 are entitled to compensation.

- II. Your Petitioner requests that the Voluntary Purchase Zone, as set out in the Government's property compensation package, be extended to all property owners adversely affected by High Speed 2.
 - III. Your Petitioner further requests that the proposed 'Need to Sell' scheme, as set out in the Government's property compensation package, acknowledge the extent of the blight High Speed 2 has caused (and continues to cause). Your Petitioner believes that the Government should remove the requirement that applicants to this scheme must demonstrate financial hardship in order to qualify.
 - IV. Property owners should be compensated for loss in market value and not just nuisance under Part 1 compensation under the Land Compensation Act.
15. Your Petitioner is concerned about the powers to acquire land and rights as set out in clause 4 of the Bill, and believes that the powers sought exceed what is required. The powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and cause additional blight. Your Petitioner seeks assurances that no land will be acquired beyond that which is reasonably required for the construction of High Speed 2.
16. In addition to the issues of wide concern raised thusfar, your Petitioner has further concerns as set out below together with a proposed remedy.

17. Buckinghamshire Railway Centre

- I. Your Petitioner is concerned about the impact of the proposed works on the Buckinghamshire Railway Centre in Quainton. The Railways Centre is an important community asset and, as a notable tourist attraction, is of significant value to the local economy. Your Petitioner is concerned that, under the current plans, a huge swathe of the facility's car park will be closed for up to 2 years and, in the longer-term, some 160 parking spaces will be permanently lost. Your

Petitioner requests that replacement parking in an appropriate location on both a temporary and permanent basis is provided.

18. Infrastructure Maintenance Depot

Between the villages of Calvert and Steeple Claydon, it is proposed to build an Infrastructure Maintenance Depot. Your Petitioner shares the horror of his constituents that this rural area will be blighted in such a profound way. An abject lack of mitigation or compensation has been offered to your Petitioner's constituents living in the vicinity. Your Petitioner requests that ample noise protection and bunding be installed to protect those living nearby from unwanted intrusion. Furthermore, your Petitioner requests that the IMD site be visually shielded from the view of local residents by means of greenery and plant life. Your Petitioner further requests that a plan be introduced to support the sustainable travel of staff to and from the site, causing minimal disruption to other users of the road network in the area. Once the IMD has been constructed, the roads in the area must be restored to a condition and character suitable for the area.

19. Calvert Railway Station

Your Petitioner is concerned about plans to develop a satellite maintenance compound at Calvert Railway Station which will sit less than a kilometre from the Infrastructure Maintenance Depot. Your Petitioner supports calls for the construction of a tunnel from the IMD under the East-West Rail line to enable access to the east-bound High Speed 2 track. Your Petitioner understands that such a tunnel could be used for moving construction materials from the Infrastructure Maintenance Depot, thus rendering obsolete the need for a large and intrusive satellite compound at Calvert.

20. FCC Ltd sidings

- I. Currently the FCC Ltd siding is in a fixed position to the east of Calvert on the west side of the existing tracks, i.e., on the same side of the tracks as the landfill site. Waste trains are unloaded via gantry cranes and transferred to heavy plant vehicles. The trains are either moved by engine or by winch (depending on the time of day).

- II. FCC Ltd. is currently in the process of moving its whole operation eastwards, away from Calvert and Calvert Green, and wishes the offloading siding to be relocated close to the new area of operation and to the Energy from Waste (EfW) incinerator that is currently under construction. Work has already begun on the construction of an access road from the A41 at Woodham to the south-east of the FCC landfill site to facilitate the EfW incinerator.
- III. HS2 Ltd proposes relocation of the existing operation westwards along the line, abutting the planned satellite compound at School Hill on the Calvert Railway Station (LWS), and directly opposite many Calvert and Calvert Green residential properties. The area by Calvert bridge, where the LWS is situated, is proposed to double the current three tracks to at least six rail tracks – two for HS2, two for East West Rail (EWR) and two for the FCC Ltd. landfill siding operation.
- IV. The proposed site that HS2 has identified for relocating the FCC Ltd siding and gantry is on the opposite side of all the tracks, HS2, East/West rail and the landfill site itself.
- V. Due to the limited space in the proposed new location, a high rolling gantry is proposed. In order for FCC Ltd to service the operation it will be necessary to construct a road bridge from the landfill site over the HS2 and EWR tracks. This will lead to much increased noise levels, visual impact, high levels of odour pollution and significant reduction in the quality of life for residents.
- VI. FCC Ltd management has also acknowledged that if the siding operation is sited at the new location it will cause major disruption for residents. FCC Ltd. management has also confirmed to Your Petitioner that they have land available to relocate the existing siding nearer to the new EfW facility.
- VII. Your Petitioner is aware that any relocation of the sidings will have a deleterious impact on the rare bat populations, and faces a dilemma balancing their protection over the health and well-being of residents.

- VIII. Your Petitioner is also aware that North Bucks Bat Group and BBOWT (Beds, Bucks, Oxon Wildlife Trust) are proposing that HS2 Ltd. run the tracks from Quainton to Calvert in tunnel. HS2 Ltd. is, Your Petitioner is informed, only considering a tunnel from Quainton to Sheephouse Wood.
- IX. Your Petitioner supports the proposal to run the tunnel to Calvert, and in addition would Petition that any tunnel be extended to run as far as the Infrastructure Maintenance Depot (IMD) which would go some way to mitigating the cumulative effect on Calvert of the long term blight the hamlet would suffer as a consequence of HS2.

21. Portway Farms and Shepherds Furze Farm

Two successful farms operating in your Petitioner's constituency stand to be severely adversely affected by the construction of High Speed 2. It is intended that some 2 million tonnes of spoil from tunnel borings and two balancing lakes will be placed on land at Portway Farms and Shepherds Furze Farm. This would necessitate not only the destruction of prime farm land but also the demolition of a home and associated house buildings, displacing long-standing tenants from the site. The land that is earmarked for use by HS2 Ltd is vital to the future viability of nearby Portway Farm, providing the straw, maize and grazing used for the 400-strong dairy herd. Your Petitioner requests that HS2 Ltd should utilise the 150 acres at nearby Greatmoor Farm (Edgcott) which is currently being used for the sustainable placement of spoil from the nearby Incinerator site where there is already a rail-head in place. Such a relocation of spoil deposit would minimise the impact locally and cause minimal disruption to the activity at Shepherds Furze Farm. The balancing lakes could be relocated to the land west of Shepherds Furze Farm (otherwise cut off by the southern rail link). Your Petitioner strongly believes that such relocation would be cost efficient (the compensation bill would be cheaper) and – given that Greatmoor already has a rail-head in operation – costs will be saved in this respect too.

22. The Calvert Jubilee BBOWT Nature Reserve Local Wildlife Site

The Calvert Jubilee BBOWT Nature Reserve Local Wildlife Site is dominated by a former clay pit which is one of three which flooded after the closure of the Calvert Brickworks in 1991. The nature reserve homes wildfowl, birds and butterflies. This area will be affected by the HS2 route (the proposed route runs along the eastern edge of the reserve) and construction work for the Infrastructure Maintenance Depot. HS2 severs the nature reserve on a shallow embankment and it is likely that there will be significant implications for wildlife. Your Petitioner requests that the local community be compensated for the loss of this local amenity by providing an alternative reserve – accessible to visitors – with similar habitats.

23. Finmere Wood

Finmere Wood will be affected by HS2 and it is important that the engineering is tailored to ensure minimal impact on this Special Site of Scientific Interest. The ancient woodland is also home to the Bechstein's bats, a species identified as "very rare" in the Wildlife and Countryside Act 1981 and listed in Annex II of the EC Habitats and Species Directive. This particular species is also listed as *Nearly Threatened* on the *International Union for Conservation of Nature's* Red List. Your Petitioner requests that binding commitments be made to ensure that this ancient woodland is protected and that the the habitat of the Bechstein's bats is not disturbed.

24. Sheephouse Wood

Sheephouse Wood is a designated Site of Special Scientific Interest (SSSI) and comprises of a large block of ancient oak woodland. The site has characteristically diverse woodland flora, a range of breeding birds as well as invertebrate fauna with notable and local species, including Bechstein's bats. Your Petitioner strongly believes that every effort should be made to ensure that Sheephouse Wood remains unaffected by HS2.

25. Cut and Cover (green) tunnel in Chetwode

- I. HS2 comes within 250m of the conservation area in Chetwode which includes the Grade I Listed Church. The Church is believed to house some of the oldest medieval stained glass windows in the country and the protection of these from vibrations caused by HS2 is of paramount importance. There is likely to be

significant visual blight from HS2 on Chetwode. A number of residential properties at School End, and properties within The Hermitage and Priory House estates will have a clear view of the railway cutting and the over bridge. Your Petitioner, along with local authorities and residents, has consistently argued that a cut and cover (green) tunnel be provided in the area.

- II. Your Petitioner has raised the issue of noise impact on Chetwode with HS2 and the Department for Transport on a number of occasions since it was indicated as a 'red dot' area of high noise, even after mitigation, on the Appraisal of Sustainability document published in 2012. Even after proposed mitigation, Chetwode residents will still be forced to endure "major adverse effects". Your Petitioner strongly urges the Committee to examine thoroughly proposals to provide a tunnel in this area.

26. Recreational amenities in the village of Turweston

Your Petitioner is concerned about the loss of recreational amenities in the village of Turweston. Power cables will be required on the playing fields and village recreation grounds to the west of Turweston. 8,400m² - some 40% - of The Queen Elizabeth II Jubilee Field, part of the Queen Elizabeth II Fields Challenge campaign, will be required for the diversion of electricity and the construction of a cutting for the HS2 line. The bisection of the fields will leave part of the land completely unusable. Once installed, 3,650m² will be retained for the construction of the scheme to accommodate a cutting. The Environmental Statement itself acknowledges that the playing field is a "valued local resource" and concedes that the effect is "major adverse and...significant". Your Petitioner strongly believes that all must be done to protect this vital community resource, including the undergrounding of power cables. Your Petitioner requests that the village be generously compensated for the loss it will incur.

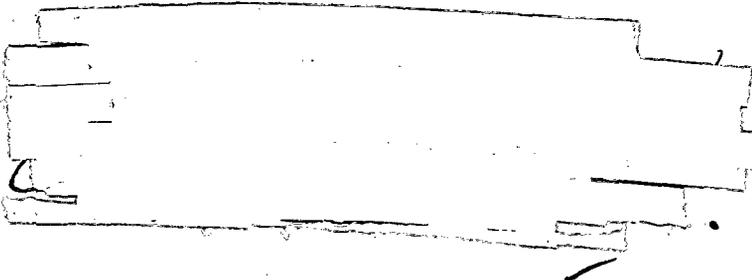
27. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, clauses so far affecting your Petitioners, and his constituents, should not be allowed to pass into law.

28. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, his constituents and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

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 so much of the Bill as affects 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 Petitioner will ever pray, &c.

RT HON JOHN BERCOW MP



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HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL
PETITION OF THE RIGHT HONOURABLE JOHN BERCOW MP

AGAINST – On Merit – By Counsel, &c.

RT HON JOHN BERCOW MP
HOUSE OF COMMONS
LONDON. SW1A 0AA.