

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 JOHN MARRIOTT

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. 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 not apply 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, John Marriott, has lived in Cropston, Leicestershire for nearly 30 years and lives there with his wife and son. Your Petitioner's property will not be directly affected by the construction of Phase 1 of the HS2 Proposal which is the subject of the Bill. Your Petitioner's concerns relate to the wider impact of the scheme and, in particular, to the lack of any reasoned justification for designing and constructing it to take trains travelling at up to 400kph. This high design speed is completely inappropriate for a country as small and as densely populated as England and the scheme does not integrate at all well with the existing transport infrastructure, both road and rail. This means it will benefit a very small proportion of the population and claims that it will aid integration or create jobs are grossly exaggerated.
8. Your Petitioner travels round the country enjoying woodlands and other open areas and he would be directly affected by the scheme whenever he is near to the route. Your Petitioner will be directly affected because he and his children and grandchildren will also be paying increased taxes to fund the borrowing required for the construction of this scheme and to fund the ongoing maintenance and operational costs, which are likely to be considerably higher than those for a typical high speed railway operating at 250kph.
9. Your Petitioner and his rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Opening observations

10. In advancing these concerns, your Petitioner invites the House and the Committee to which this petition is referred to consider in particular the basis for, and the implications of, any argument by the Promoters that amendments, assurances or other improvements and safeguards must involve no or minimal extra cost to High Speed 2. In your Petitioner's view:
- a. cost to High Speed 2 ought properly to be balanced against the cost to the community and regional and national economic interest and the public interest more generally;
 - b. integral to any cost equation is the lost opportunity cost of not making provision now, particularly where this represents the one and only or best opportunity for doing something and failure to take that opportunity means accepting a sub-standard solution and losing the potential to generate very significant community and economic benefits.
11. Also, in your Petitioner's view, when a change to the scheme in the Bill is justified on the merits, it is no answer for the Promoters to say that such a change should be resisted because it goes beyond what is provided for in the Bill. It is the Promoters, not those affected, who have chosen what to put in the Bill and, if they have got that wrong, they should now accept the change.

Inappropriate and unjustified design speed

12. Designing the scheme to cater for 400kph trains will result in a very large increase in construction costs because the alignment cannot be so readily adapted to the existing topography. It is also becomes more difficult to avoid other constraints, so it will be more damaging than lower speed alternatives. It will also require a greater width of land to provide increased separation between the tracks. It has already been designed with many tunnels in an attempt to mitigate its impact on the area through which it passes and more are likely to be required to extend and improve such mitigation. Such tunnels need to be constructed to a larger diameter to cater for high speed trains and as this scheme has a higher design speed than any other conventional railway it will need some very large tunnels, resulting in increased construction costs and more waste spoil.
13. It will also require a more robust power supply system to accelerate and propel the more expensive and powerful trains to a higher speed and overcome the significantly greater drag at those speeds. The high design speed also requires more land for stations and more and longer tracks on their approaches. Such stations also have a very detrimental effect on the

number of trains that the route can carry so the line has been designed to have very few stations rendering it useless for many people who have to suffer the consequences of the scheme. At the proposed flow of 18 trains per hour there is a real risk that severe service disruptions will occur quite frequently because minor problems could quickly escalate into more serious ones. Several acknowledged experts have challenged the wisdom of attempting to run 18 trains per hour at such high speeds.

14. As most of the route has only two tracks any failure of one or both tracks would be very serious and any trains constructed to the European loading gauge would not be able to use an alternative route.
15. A high speed line, as proposed, will have higher operating costs, generate more noise and dust, use more energy and will have less capacity compared to lower speed alternatives. All the original arguments for constructing a very high speed railway have now evaporated.
16. Your Petitioner suggests that the merits of designing and constructing the railway to a lower design speed and to the British loading gauge should be kept under review by the Promoter. This will enable value for money comparisons to be made with the published scheme having regard to any revised cost estimates or other factors affecting, or likely to affect, the cost and short, medium or long term viability of the published scheme.

Land: Clause 47: acquisition outside limits

17. Your Petitioner has specific concerns about clause 47 of the Bill. It provides the Secretary of State with power to acquire land compulsorily if he considers that the construction or operation of Phase One of High Speed 2 gives rise to the opportunity for regeneration or development of any land. Your Petitioner is particularly concerned about this clause because it goes far beyond what is required to construct HS2. There are already adequate powers of compulsory acquisition in other legislation, notably the Town and Country Planning Act 1990, to enable compulsory purchase powers to be exercised by local authorities. This power is unqualified, meaning there is nothing in the Bill that would ensure it is only used as a matter of last resort. Your Petitioner does not understand why this clause is required at all and believes that it should be removed from the Bill.

Provision of information and consultation

18. Your Petitioner has serious concerns over the provision of information supplied by the Promoter of the Bill, both prior to the deposit of the Bill and up to the date of the deposit of this petition. This has meant that thorough and detailed assessments of the proposed project, its impacts and benefits have

been impossible to compile. Your Petitioner is concerned that requests for further information and responses to specific requests remain outstanding.. In particular, your Petitioner is still to be satisfied about the adequacy of the Environmental Statement. Baseline assumptions made over a number of generic issues have still to be substantiated. Ancillary documentation such as the proposed Code of Construction Practice remains in a draft form which is neither acceptable in principle, nor in its presumptions, proposals and extent of detail.

Environmental Statement: adequacy and accuracy

19. In accordance with the standing orders of your Honourable House, comments on the Environmental Statement deposited with the Bill were invited in the newspaper notices that were published in accordance with the standing orders of your honourable House when the Bill was deposited. Your Petitioner accordingly sent comments to the Promoter of the Bill in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioner raised concerns about the adequacy and accuracy of the Environmental Statement.
20. Fundamental deficiencies in the Environmental Statement identified by your Petitioner include the following:
 - (a) a failure to properly consider alternatives which would completely avoid the need for the scheme which is uppermost in the environmental hierarchy.
 - (b) a failure to design the scheme so that its environmental impact is minimised through the adoption of a lower design speed.
21. Your Petitioner is also concerned that the assessment set out in the ES allows a number of permanent environmental and community impacts to remain unmitigated. The Environmental Statement identifies the loss of each of these community assets as a major adverse impact. However, no mitigation (either in association with a specific asset or cumulatively) is proposed.
22. Furthermore, the implementation of the proposed works will result in permanent impacts for which mitigation to 'nil detriment' is not possible. For example, the railway will have a permanent adverse affect on the character of the area through which it passes by introducing a predominantly raised, linear, urbanising feature, the screening of which through tree planting is also out of character with the local area. As such, the character of many areas enjoyed by your Petitioner will be permanently and negatively affected.
23. Further, the methodology applied in the ES in considering impacts on communities is considered by your Petitioner to be inadequate. It assumes

that certain effects are unlikely to persist as communities will adjust to the presence of HS2 and it discounts certain receptors (e.g. for the purposes of reporting amenity and isolation effects, residential properties where the total number of dwellings affected is fewer than five, are not considered). The disaggregation of community effects in such a manner leads to a number of localised impacts being classed as minor, or ignored, and the cumulative impact of these effects along the route is not considered.

24. It is vital that the deficiencies in the Environmental Statement identified by your Petitioner are remedied by the Promoter of the Bill, whether by way of an addendum to the Environmental Statement or otherwise. One reason this is so important is that the Environmental Minimum Requirements, which have been produced by the Promoter of the Bill in draft, contain important obligations which will fall on the nominated undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the Environmental Statement and depend upon its accuracy.

Environmental impacts and minimum requirements

25. Your Petitioner is concerned that the environmental impacts as reported in the Environmental Statement are under-estimated or misrepresented in several respects as identified in my response to the consultation on the ES. Your Petitioner therefore seeks that these deficiencies be addressed and appropriate additional mitigation provided for.

26. Your Petitioner is also concerned that the environmental minimum requirements ('EMRs') in their current form will not provide the guarantees and assurances that they are stated to provide and that are necessary for your Petitioner to be satisfied that the environmental effects of HIGH SPEED 2 will be acceptable. Therefore, your Petitioner seeks a commitment and an amendment to the EMRs to ensure that the EMRs guarantee that:

- (a) appropriate compensation and mitigation will be provided for all environmental effects identified in the Environmental Statement, with enhancements where possible. This includes, for example, the storage of spoil material at Washwood Heath and the reclamation and restoration of sites post High Speed 2 construction;
- (b) the environmental effects reported in the Environmental Statement are not exceeded; and
- (c) the nominated undertaker will use reasonable endeavours to further reduce any adverse environmental impacts.

Construction delays

27. The construction of the new railway will involve the construction of many bridges, viaducts, underpasses and other works along the route and in its surrounding areas affecting both rail and road traffic. Your Petitioner is concerned that the construction of HS2 will cause unnecessary delay to such traffic. Your Petitioner seeks a commitment to manage the construction process in such a way that delay to travellers is minimised.

Design manual for viaducts and other major structures

28. Your Petitioner is concerned that the viaducts and other infrastructure associated with High Speed 2 do not properly respect the environmental character the surrounding areas and are designed to be purely functional rather than sympathetic to their surroundings.

29. The Environmental Statement proposes that the most appropriate material from which viaducts and structures should be constructed is concrete. This is not an assessment with which your Petitioner agrees in all cases. The Environmental Statement notes that there is sensitivity in terms of visual impact and noise in some residential areas and that such sensitivities have been taken into account. However, associated photomontages do not show a structure design that is iconic, complementary of local character or even attractive. Your Petitioner considers that viaducts in particular have major adverse effects in landscape terms and that measures should be taken to ensure an appropriate quality of design in each case.

30. Therefore your Petitioner seeks an undertaking that a Design Manual will be agreed with each local planning authority, to contain design principles aimed at ensuring that the designs of viaducts and other major structures are of high quality, iconic where appropriate and sympathetic to their surroundings, and that all proposals for viaducts and other major structures shall accord with the Design Manual for the local authority area in which they are situated.

Construction: mitigation generally and adequacy of Code of Construction Practice

31. Your Petitioner does not believe that all the likely significant effects on the environment have been adequately described in the ES and are of the view that the mitigation measures proposed have not been adequately described. In many instances, no mitigation is offered or what little mitigation is referenced, is left to the draft Code of Construction Practice ("COCP"). That is inadequate because the COCP is in draft form and will remain as such until after the Bill has been enacted. The term, 'reasonably practicable' has been

used frequently throughout the COCP but it is not clear who will decide what is 'reasonably practicable'.

32. Your Petitioner is also concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, vibration, dirt and dust caused during the construction period and, in particular, that the COCP replicates the standard industry Code of Construction Practice as a minimum and the further best practice requirements imposed by your Petitioner on other major construction projects in the locality. There should also be a guarantee that any future changes to industry standards will be complied with.
33. Your Petitioner respectfully suggests that the Nominated Undertaker should provide detailed plans, method statements, work programmes, and schedules of deliveries (particularly abnormal deliveries) in relation to each work site, well in advance of the commencement of operation in order to minimise their impact on residents and businesses.
34. Your Petitioner also alleges that there is a lack of detail on noise mitigation in the COCP, which in any event will remain in draft until after the select committee of your honourable House has considered this Petition. Your Petitioner is also concerned that clear accountability and enforcement protocols are not defined in the COCP. Your Petitioner would ask your honourable House to require the Promoters to address these issues.
35. Your Petitioner considers that the Promoters should compensate local authorities for the cost of checking compliance with noise and vibration design standards.

Dumping of waste material, euphemistically referred to as “Sustainable placement”

36. Your Petitioner is concerned by the Promoter's proposal to dispose of certain waste by “sustainable placement”, which is described as follows –

“Where the transportation of excavated material would result in significant environmental effects, sustainable placement will be used. Sustainable placement is the local on-site placement of excavated material to avoid causing environmental effects associated with the transportation of that material. Local sites for sustainable placement have been selected on the basis of their suitability for the disposal of excavated material”.

[High Speed Two Information Paper, E3: Excavated Material and Waste Management, paragraph 1.3.4].

37. Sustainable placement of excavated material is, in effect, the on-site disposal of spoil.
38. There are very large areas of "sustainable placement" proposed within the AONB and elsewhere and this has been justified on the basis that it would avoid the environmental impacts of transportation elsewhere. Very little attention appears to have been given by the Promoters to the inimical nature of the significant artificial changing of the terrain within an area which is designated of national importance because of its natural beauty. Your Petitioner is astonished by this proposal which is contrary to the main objective of the AONB, namely to conserve its natural beauty.
39. Your Petitioner would submit that much of this would not be required if the line was constructed with a lower design speed as it would be able to follow the contours of the ground more closely and it would not be necessary to sink the route into the ground in an attempt to minimise noise.
40. The Environmental Statement states, 'the sustainable placement area will be indiscernible from the existing landscape'. Your Petitioner rejects this.
41. Your Petitioner understands that sustainable placement would constitute the permanent disposal of waste material on land and the rationale provided by the Promoter is to avoid traffic impacts. Your Petitioner requests that alternative scenarios are fully analysed to ensure that the least environmentally damaging option is chosen. If it is necessary to have any Sustainable Placement then alternatives should include the transportation of material by rail or along the trace and transportation on short distances on road to permitted sites for disposal of inert material.

Heritage

42. It is important to emphasise the richness of the heritage in proximity to the route and the desire of your Petitioner to see it safeguarded in manner at least equivalent to standard practice. Your Petitioner is therefore concerned to ensure that the Promoters will seek to minimise harmful impact on all listed buildings and other heritage assets.
43. Your Petitioner requests your honourable House to require the Promoters to take responsibility for the upkeep of any heritage buildings or heritage assets which fall into disuse or disrepair, or take other measures, where it can be demonstrated that the reason is the proximity of a construction site or the railway.

Lost opportunity cost

44. HS2 will require a considerable amount of money to fund its construction, operation and ongoing maintenance. It seems inevitable that such costs will rise as the project evolves. This money could be more effectively spent on other projects which would yield much greater benefits to very much wider cross-section of the population and businesses of this country.
45. The Petitioner is concerned that committing such funds to a single, inflexible, long term project is not in anyone's interest as the world is changing rapidly. Accordingly, the Petitioner requests an undertaking that the scheme will only proceed if it is clearly and robustly demonstrated that it yields the best possible value for money compared to other rail investment and has adequate flexibility in its design to adapt to changing circumstances.

Loss of existing train services

46. One of the claimed benefits of HS2 is that it will "free up" capacity on other lines. This equates to a reduction in train services on those lines. The Petitioner would be affected by a reduction in the quality and/or frequency of train services, particularly on the Midland Main Line. No information has been produced to say exactly what would happen to existing services.
47. The Petitioner requests that the Promoter should clearly explain what the proposed change in services will be on all lines where the construction of HS2 would result in a reduction in passenger train service frequency or quality after HS2 opens, and in the longer term.

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 rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for his protection, or that such other relief may be given to your Petitioner as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Signed



JOHN MARRIOTT

IN PARLIAMENT

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HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF JOHN MARRIOTT

Against the Bill – On Merits – By Counsel &c

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