

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 Andrea Leadsom MP

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.

Clauses of the Bill

- 3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the 'Scheduled Works' set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.
- 4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.

- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.
- 6 Clauses 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.
- 7 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

Your Petitioner

- 8 Your Petitioner, Andrea Leadsom, is the Member of Parliament for South Northamptonshire. Your Petitioner has a responsibility as the Member of Parliament to represent their constituents on matters including but not exclusive of, quality of life, value for public funds, highways and public transport, access to public services and strategic planning.
- 9 The proposed route of Phase One of High Speed 2 passes through the south western part of Northamptonshire, traversing the district of South Northamptonshire and involving extensive works in the parishes of Whitfield, Brackley, Radstone, Greatworth, Marston St Lawrence, Thorpe Manderville, Culworth, Chipping Warden and Edgcote, Aston Le Walls and Boddington all of which are within the Parliamentary constituency of South Northamptonshire.
- 10 Your Petitioner and their rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner's Concerns

- 11 Your Petitioner has sought to work with HS2 Limited and the Government in their development of the proposals. However, as outlined in this petition, they have substantial outstanding concerns with the appraisal work, design and development of the project and the particular powers now proposed in the Bill.
- 12 Each of your Petitioner's concerns is explained more fully below and solutions to its concerns identified. Your Petitioner recognises, however, that other solutions to these concerns may be brought forward and, insofar as those are to be preferred, they would wish to associate with them.

Code of Construction Practice

- 13 The proposed Code of Construction Practice ("CoCP") remains in a draft form which your Petitioner finds to be neither acceptable in principle, nor in its presumptions, proposals and extent of detail.
- 14 Your Petitioner will wish to ensure that the CoCP is complied with properly. Your Petitioner wishes to ensure that reasonable expenses in monitoring highways, mineral extraction and other matters are met by the nominated undertaker, together with expenditure incurred in planning and programming activities related to the CoCPs and in enforcing them.
- 15 Your Petitioner will wish to ensure that their constituents are aware of a comprehensive and independent appeal process to seek redress from; should the CoCP not be adhered to. Failure to have such an appeal process will result in your Petitioner's workload being substantially increased.
- 16 Your Petitioner concludes that a detailed Code of Construction Practice should be included in the Primary Legislation and the Bill amended as such.

Highways Issues

- 17 The provision made by the Bill in relation to highways will result in substantial and inappropriate disruption to local communities in your Petitioner's constituency.
- 18 It will also result in a hindering of your Petitioner to carry out their responsibilities as the Member of Parliament, which requires your Petitioner to travel frequently around the constituency of South Northamptonshire and extensively to the areas which will be affected by High Speed 2.
- 19 Your Petitioner is particularly concerned as respects the following proposals:

(a) Access to Lower Thorpe construction site via Banbury Lane

The proposed use of Banbury Road as a dedicated construction route providing access to the proposed Lower Thorpe construction site is considered by your Petitioner to be quite inappropriate. Banbury Road is a single-track carriageway, much of it with on-street parking and in most sections without a footway and as such, it is incapable of accommodating the forecast level of construction traffic proposed without significant congestion, disruption, extensive deterioration of the carriageway, noise and safety implications, both to the local community and wider travelling public. Your Petitioner seeks a commitment from the Promoter not to use Banbury Road as a lorry route and instead to provide a haul road along the proposed railway alignment to the Lower Thorpe construction compound.

(b) Construction traffic impacts on Chipping Warden

Traffic anticipated to visit the proposed main construction site in South Northamptonshire via the A361 will have significant adverse impacts on the health and livelihood of local residents due to increased noise and air pollution along with safety concerns regarding additional traffic around the primary school. Your Petitioner seeks a commitment from the Promoter to construct, or provide funding for, a one mile relief road, being a continuation of Work No 2/128A and its provision as a permanent part of the highway network.

Furthermore, the construction impacts on the residents and businesses in Chipping Warden village are liable to be exacerbated by the proposed closure of Culworth Road. Culworth Road provides a valuable and important link from Chipping Warden village to Welsh Lane and is used on a regular basis, including by cyclists to access Banbury railway station. Closure of Culworth Road will result in additional traffic at the A361/Welsh Road junction which will also have an impact on safety at this junction. Your Petitioner submits that provision for the closure of Culworth Road should be omitted from the Bill. Without prejudice to your Petitioner's desire that the closure of Culworth Road be omitted from the Bill, in the event that the Culworth Road is closed, your Petitioner seeks a commitment to construct or provide funding for appropriate casualty reduction measures due to the safety impacts at the A361/Welsh Road junction.

(c) Temporary road closures

It is vital, in your Petitioner's view, to the continued expeditious movement of traffic in the area that important parallel routes are not closed simultaneously as the Bill would allow. Your Petitioner seeks in particular a commitment from the Promoter not to close simultaneously both highways known as Claydon Road (being the road shown as Claydon Road on the plans and the road also so known and shown parallel to it) or both Culworth Road and Wardington Road simultaneously.

20. Your Petitioner is a regular visitor to all of the areas mentioned above and is a frequent user of the roads in question. Failure to adequately prepare these areas for the construction of High Speed 2 and mitigate the effect of construction on the roads mentioned will have a significant adverse effect on your Petitioner's ability to carry out their role as the Member of Parliament.
21. Your Petitioner is further concerned that inadequate provision has been made to preserve access to properties affected by temporary and permanent road closures. In the absence of modifications to the proposals for temporary and permanent stopping up of highways together with provision of suitable signage and turning-heads, large vehicles in particular will be impeded and unable safely to turn round during the construction period. Roads which your petitioner is a frequent user of and has particular concerns about in this regard include Helmdon Road, the B4525 Welsh Lane, Banbury Lane, Wardington Road, the A361 Byfield Road, Culworth Road, Appletree Lane and Claydon Road.
22. Additionally, your Petitioner is concerned at the absence of appropriate provision for the strengthening, repair and maintenance of highways in the county affected by the significant amount of construction traffic which High Speed 2 will generate. The prolonged use of some of the highways within your Petitioner's area by heavy High Speed 2 construction traffic is likely to lead to a significant acceleration in the rate of deterioration of highway condition beyond that which could be expected without the scheme.
23. The Code of Construction Practice makes no reference to any obligation on the part of the undertaker to repair public highways damaged during the construction phase or to reinstate them to the original standard and character following the completion of works. The Code of Construction Practice simply requires that highways are left 'in a clean and tidy condition in accordance with the reasonable requirements of the Highway Authority'. Your Petitioner considers it unreasonable that the local highway authority should be responsible for funding and carrying out works of repair and reinstatement during construction or following the completion of the works. As such your Petitioner seeks an assurance that the undertaker will repair public highways damaged as a result of their use as construction haul routes or other construction activities and reinstate them to their original standard and character and to the satisfaction of the local highway authority following the completion of the High Speed 2 works. Alternatively, it should fund the Local Authority to do so.

Conclusion

24. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.

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

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

AND your Petitioners will ever pray, &c.

Andrea Leadsom MP



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20 May 2014