

To the House of Lords  
Session 2015–16

PETITION against the

**High Speed Rail (London – West Midlands) Bill**

**THE PETITION OF AYLESBURY VALE DISTRICT COUNCIL**

Declares that:

1. Your Petitioner and its property, rights and interests in its area and the inhabitants of its area would be injuriously and prejudicially affected by the provisions of the Bill except the provisions under the cross-headings "*Railway matters*" and "*the Crown*".

**Introduction**

2. Your Petitioner is the local authority for the Aylesbury Vale District in Buckinghamshire ("the District") and has been invested by Parliament with a number of important powers and duties in relation to the interests of the inhabitants of the area. Your Petitioner is the local planning, housing and environmental health authority for the District.
3. Your Petitioner welcomes the improvements to the Hybrid Bill brought about by the instructions and directions of the House of Commons Select Committee hearing evidence from residents, communities and businesses in the District and from other petitioners along the route.
4. Your Petitioner is acting in the interests of the District's residents and businesses. Your Petitioner has actively worked with communities, local councillors and a large number of individual residents to develop the 'asks' sought from the Promoter.

**Your Petitioner's Concerns**

Extended Chiltern Tunnel

5. The District includes a part of the Chilterns Area of Outstanding Natural Beauty ("the AONB") and it is proposed in the Bill that the railway will be constructed above ground within the AONB

in the District except for about 1.1Km at Wendover where the route is proposed in a Green Tunnel.

6. The AONB is an area of considerable environmental sensitivity, having been designated in 1965 for the natural beauty of its landscape, its nature and cultural heritage. The Promoter has recognised the importance of the AONB in environmental terms within the Environmental Statement deposited with the Bill ("the ES").
7. Your Petitioner welcomes the improvements to the Bill scheme brought about by Additional Provision 4 which extended the tunnelled route through the Chilterns; however, despite this improvement, around 40% of the route through the Chilterns from the M25 will still be above ground.
8. Your Petitioner requests that the Chilterns AONB be further protected by extending the presently proposed bored tunnel to the northern edge of the AONB beyond Wendover, by requiring the construction of an extended tunnel, based on the T3i proposals developed by HS2 Limited, to ensure that the line passes through the whole of the AONB in a bored tunnel. The extended tunnel proposals have been referred to in the Environmental Statement and accepted by DfT and HS2 Ltd as both feasible and environmentally preferable to the proposed scheme. This proposal has been extensively discussed with local councils and action groups, within the local area forums, and is supported by them. The adoption of this proposal, which is included in the petitions of a number of local authorities and other groups, who intend to present a joint case on it to the select committee, would substantially remove the adverse effects complained of in the remainder of this petition and the need for most of the proposed remedies otherwise required.
9. There would be consequential effects in the District if your right honourable House were to agree that the extended tunnel should be constructed, and those effects would be felt particularly near to Stoke Mandeville village and parish. Your Petitioner would wish to see proper mitigation for any additional effects included in the consequential amendments to the Bill and in the accompanying addendum to the ES. Your Petitioner would also expect the Promoter to agree that fabrication of the tunnel sections required would take place away from the District and then be brought to the construction sites by rail.
10. If the extended tunnel were to be built, your Petitioner would also wish to ensure that landscape impacts were properly mitigated at the places the tunnel would emerge and at tunnel breaks. Your Petitioner would need to understand the specific and cumulative impact of the significant

engineering works, cuttings and embankments, particularly given the sensitivity of the valley landscape in the area affected. Your Petitioner therefore respectfully asks your right honourable House to require the Promoter to undertake that the detailing of the proposals, were your right honourable House to decide in favour of the extended tunnel, will be informed and supported by 3-D modelling of the proposals and the surrounding landscape and that the Promoter and the Nominated Undertaker would work with your Petitioner and others to agree an approach to minimising impact.

### Chetwode

11. Your Petitioner supports the local community and the parish church of Saint Mary and Saint Nicholas in seeking to secure the appropriate design of HS2 and mitigation of the project's impacts. According to the ES, there will be a significant effect on 25 dwellings through noise and visual impact in Chetwode. Crucially, the settlement will be severed by the proposed line. A green tunnel could be constructed to minimise land take and minimise the impact of the proposed works on the tranquil setting of the village, giving better acoustic protection to an area that is noted to be particularly quiet.
12. The Bill, as amended by Additional Provision 5, proposes to mitigate the effects of the scheme by increasing the height of the proposed noise fence barriers from 3m to 5m and by extending the 5m high noise fence barrier on the east of the HS2 route by approximately 1km to the north, to Barton Hartshorn Railway Wood.
13. Your Petitioner is concerned that the proposed changes to the noise barriers in Chetwode do not provide adequate noise mitigation for the community nor do they address the fundamental issue of severance. Your Petitioner remains of the opinion that an appropriately constructed green tunnel would minimise the impact of the proposed works on the tranquil setting of the village, giving better acoustic protection to an area that is noted to be particularly quiet, avoid cutting this small community in half and is the best solution.
14. While it is acknowledged that a green tunnel will be more expensive than the Promoter's proposal, your Petitioner maintains that the benefits are worth the additional expense. The position was summarised on behalf of your Petitioner to the House of Commons select committee by Mark Lowe QC as follows:

"Can I just say one thing, the committee will remember Chetwode. It's a very small community and therefore the sort of numbers that wouldn't normally attract

attention - the difference between 13 houses and three becomes very important when you have community of that scale. And I think the concern of the authority is that the adverse effects on the community as a whole are so much greater when you have say 13-22 houses affected than when you have three or four, and that's why they say it's worth the extra money. It's not about the number of houses it's about the overall effect on the community..." (20 January 2016, afternoon session, para. 299)

#### Calvert/Steeple Claydon & East West Rail

15. East West Rail is a major project to establish a strategic railway connecting East Anglia with Central, Southern and Western England. The western section is now a committed, funded scheme to re-introduce passenger and freight services between Bedford and Oxford, Milton Keynes and Aylesbury. It involves upgrading and reconstructing sections of existing and mothballed rail track, which is to be delivered by Network Rail.
16. Your Petitioner is concerned about both the physical impacts that the HS2 Works will have on East West Rail (where they would cross at Steeple Claydon) and about the potential for delay in East West Rail's implementation that may be caused by the Authorised Works. Your Petitioner respectfully asks your right honourable House to amend the Bill so as to provide protective provision that will ensure that the implementation of East West Rail will not be delayed, or its subsequent operation affected, by the construction or operation of the Authorised Works.
17. Following a number of requests to the Promoter by the Petitioner for information in respect of the East-West Rail integration study carried out by Network Rail, in its letter dated 11 February 2016, the Promoter offered your Petitioner a presentation on the HS2-East West Rail Integration report and stated that the report would then be shared with your Petitioner at the earliest practicable opportunity. A presentation duly took place in February 2016 and a statement was made that the report would be provided imminently; however, the report has not been provided and your Petitioner again requests a copy.
18. Your Petitioner remains concerned about the impacts of the proposed Infrastructure Maintenance Depot (IMD) at Calvert. For instance, there will be significant impacts on the settlement of Steeple Claydon arising from the construction and operation of HS2, the proposed IMD and the construction railhead that will be required. In particular, there will be significantly worse impacts on residential properties on rural roads that serve the IMD and railhead site if deliveries of materials are made by road rather than rail.

19. Independent work has established the feasibility of a station/halt at Steeple Claydon and the Promoters of East West Rail have already allowed for passive provision of a station at Steeple Claydon. Your Petitioner would also ask your right honourable House to require the Promoter to ensure that a halt is provided (either by building it or funding it, possibly with other partners) on the East West Rail line at Steeple Claydon, to serve the IMD and surrounding communities.
20. Your Petitioner was pleased to note the late removal of the sustainable placement site at Shepherd's Furze Farm but is concerned that this has introduced further uncertainty as to the impact of HS2 and the IMD on the communities, landscape and visual resource, ecology and cultural heritage of the area, in particular through visual impacts.
21. Your Petitioner requests that the Promoter provides any revised plans and profiles for the railway to your Petitioner and that it and provides mitigation for their impacts. In addition, your Petitioner asks to be consulted during the detailed design stage, particularly with a view to further reducing any visual effects.
22. As a result of requests from a range of petitioners, the Promoter agreed to establish a panel for the Steeple Claydon/Calvert Green/Charndon/Twyford area (with funding of £1m towards additional mitigation if/when justifies). However, no allowance has been made to cover the local authorities' costs to administer and oversee these funds. Your Petitioner requests that sufficient funding is provided to meet these additional costs.

#### Local Authority Costs

23. Your Petitioner notes that the Bill and the supporting documents adopt similar regimes to those which were established for the construction of the Channel Tunnel Rail Link and Crossrail. Your Petitioner is pleased to note that this regime will include the agreement of a code of construction practice ("CoCP"), and local area management plans ("LEMPs"). Your Petitioner will wish to ensure that the CoCP is complied with properly and, in that respect, your Petitioner will incur a great deal of expenditure. Your Petitioner wishes to ensure that all of its reasonable expenses in processing detailed planning consents under Schedule 17, dealing with giving consent to activities under sections 60 and 61 of the Control of Pollution Act 1974 and in monitoring construction sites are fully met by the nominated undertaker, together with expenditure incurred by your Petitioner in planning and programming activities related to the detailed planning consents and CoCPs, and in enforcing them.

24. Your Petitioner supports Warwickshire County Council in leading on this route-wide issue. The first draft of a new Service Level Agreement has been produced by the Promoter but the local authorities do not consider that it will adequately cover all of their reasonable costs in fulfilling their duties to such a major and lengthy development.

#### Broadband

25. The District is not currently well served by broadband services, due in part to its largely rural nature. The route of HS2 runs for 42 km through some of the most rural parts of the District including settlements that are unlikely to be prioritised for service improvements by existing providers without significant up front expenditure. Your Petitioner requests that the Promoter be required to facilitate improved broadband services when constructing the Authorised Works, for example by including provision where suitable that will make it easier to lay cables and place other necessary broadband infrastructure in, over or under the Authorised Works.
26. In considering this issue, the House of Commons Select Committee was supportive of your Petitioner's approach. The Committee's Second Special Report of Session 2015 - 16 (22 February 2016) said –

"The Department of Culture, Media and Sport can establish which areas within, say, 3km of the HS2 route are unlikely to have superfast broadband provision and good 4G mobile telephone coverage by 2018 (the year after anticipated start of construction). Few if any of those living close to the route will benefit directly from the HS2 project. The Government is wrong to believe that the test for providing broadband and mobile access is whether the telecommunications industry can be offered a commercially viable market in such localities. If commercial propositions are not speedily forthcoming the Government should fund the provision. We do not direct whence the cabling comes; industry operators and Government can make a commercial assessment of that. We direct that, one way or another, the provision of a modern railway is to be associated with achieving modern high-speed communication along its route" (paragraph 369).

27. In its response to Commons Select Committee's report, the Promoter said –

"The Promoter understands that the Select Committee's concerns in relation to broadband provision are focussed on communities in non-urban areas along the line of route. We will work with the Department of Culture, Media and Sport to understand the current plans for

superfast broadband and 4G mobile connectivity in the relevant areas and what other measures could be considered to help enable those areas receive connectivity as a priority” (paragraph 113).

28. Your Petitioner looks forward to hearing more information about the measures to help non-urban areas receive broadband connectivity as a priority and hopes that this will be provided well in advance of your Petitioner’s appearance before the House of Lords Select Committee.

**General**

29. There are also other matters which may be taken up by other local authorities in their petitions and which are of general concern to local authorities along the route of the proposed railway. The Petitioner may lend its support to those local authorities should they present a case to the select committee of your right honourable House.
30. There are other clauses and provisions in the Bill as proposed to be amended by the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

**The Prayer**

31. The Petitioner therefore asks the House of Lords that the Council, or someone representing it in accordance with the rules and Standing Orders of the House, be given an opportunity to give evidence on all or some of the issues raised in this petition to the Select Committee which considers this Bill.

AND the Petitioner remains, etc.

*Sharpe Pritchard LLP*

SHARPE PRITCHARD LLP

Agents for Aylesbury Vale District Council

18 April 2016

HOUSE OF LORDS  
SESSION 2015 -16

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

of

AYLESBURY VALE DISTRICT COUNCIL

---

AGAINST,

BY COUNSEL, &c.

SHARPE PRITCHARD LLP  
Elizabeth House  
Fulwood Place  
London WC1V 6HG  
*Parliamentary Agents*