

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:

NORTHAMPTONSHIRE COUNTY COUNCIL

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.

*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, Northamptonshire County Council, is the county council for the non-metropolitan county of Northamptonshire which has a population of over 700,000 people. Northamptonshire County Council has statutory responsibilities for, amongst other things, education, fire services, highways and public transport, minerals, social services, waste management and strategic planning in the county.
- 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.
- 10 Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, hereinafter appearing.

*Your Petitioner's concerns*

- 11 Your Petitioner is supportive of the principle of High Speed 2 and has sought to work with HS2 Limited and the Government in their development of the proposals. However, as outlined in this petition, it has substantial outstanding concerns with the appraisal work, design and development of the project and the particular powers now proposed in the Bill.
  
- 12 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 Promoter 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.
  
- 13 Also, in your Petitioner's view, as the Promoter has chosen what to put in the Bill, when a change to the scheme in the Bill is justified on its merits, it should be no answer for the Promoter to say that such a change should be resisted because it goes beyond what is provided for in the Bill and they should accept the change.
  
- 14 Your Petitioner remains hopeful that its concerns will be met by agreement with the Promoter, but is concerned that no binding commitments have yet been offered by the Promoter to address your Petitioner's concerns and many of the details that are needed to inform such an agreement have not yet been supplied by the Promoter.
  
- 15 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, it would wish to associate itself with them.

## *Highways Issues*

16 The provision made by the Bill in relation to highways will result in substantial and inappropriate disruption to local communities in your Petitioner's area.

17 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) Permanent diversion of Warwick Road

Your Petitioner considers that the proposed re-alignment at the Wormleighton Loop of Stoneham Lane / Warwick Road, on which it was not directly consulted and which changes the priority flow from Warwick Road to Banbury Road, will give rise to

unacceptable congestion and safety issues. Your Petitioner submits that the Promoter should be required to modify its design to overcome these difficulties, whether or not an additional bridge is provided over Stoneham Lane in Warwickshire (which your Petitioner understands that Warwickshire County Council is seeking and which it would support).

(d) 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.

- 18 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 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.
- 19 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.
- 20 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'. As local highway authority, your Petitioner considers it unreasonable that it 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 undertaking 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 your Petitioner to do so.

- 21 Furthermore, your Petitioner is concerned that on some highways the increased incidence of large and heavy vehicles will cause such deterioration of the carriageway during construction so as to cause a significant road safety problem. Specifically, on some highways the additional overtaking by large vehicles will cause the edge of the carriageway to break up, creating an additional safety problem. Your Petitioner seeks a commitment that on the most heavily used construction traffic routes, the promoter will undertake to carry out a joint survey and assessment with your Petitioner of the current condition of those highways and their likely increased rate of deterioration and subsequently the Promoter or Nominated Undertaker shall carry out or fund such strengthening or marginal widening of the carriageway as may be identified as necessary before significant use by construction traffic commences.
- 22 Your Petitioner is also concerned that the Bill does not contain any provision to address the additional costs that will be incurred by local highway authorities in maintaining additional highway assets created by High Speed 2. Your Petitioner has a Best Value obligation to manage its assets and as part of this requires commuted sums calculated over a 30 year period rather than the 10 year maintenance undertaking proposed by High Speed 2 Limited. There is no reason why the construction and operation of High Speed 2 should incur additional cost to your Petitioner or any other local highway authority in association with highway maintenance and repair activities.
- 23 Therefore your Petitioner requests an undertaking that, in respect of additional highway assets created by High Speed 2 which are required to be managed by a local authority, the undertaker/Secretary of State will pay to the affected local highway authority commuted sums calculated on a 30 year basis to provide for maintenance of those assets which is less than the 60 year basis which is Department for Transport standard protocol.

#### *Rights of Way Issues*

- 24 In a number of instances, rights of way in the county are proposed to be diverted temporarily or permanently along routes that are unsatisfactory or in a manner which is unsatisfactory and which, in your Petitioner's view, can and should be improved upon. Some diversions are proposed parallel to the railway which will result in noise and associated aesthetic impacts, other diversions involve significant on-carriageway walking and, in other cases, the diversions proposed involve considerable additional distances which will discourage their use and disadvantage those now relying upon them. There is also a need for guaranteed design features and greater mitigation in a number of instances. The rights of way affected which particularly concern your Petitioner include:
- (a) BD8 Footpath in Whitfield/Brackley;
  - (b) BD7 bridleway in Brackley;

- (c) AX7 footpath in Radstone;
- (d) AN42 & AN39 footpaths in Greatworth;
- (e) AN13 footpath in Greatworth;
- (f) Culworth Road bridleway;
- (g) AC2 footpath in Boddington;
- (h) AG10 bridleway in Culworth.

25 Your Petitioner seeks a commitment that modifications are made by the Promoter in relation to the rights of way identified above to address your Petitioner's concerns.

#### *Railway Capacity Issue*

26 Your Petitioner is concerned that one consequence of the construction of the proposed works at Euston for the High Speed 2 link will be that services to its part of the Midlands are likely to be very substantially constrained during the construction period and subsequently, unless specific provision is made to ensure that platform capacity at Euston is maintained for such services. The problem will be further exacerbated if projections of passenger growth as now estimated are realised. If, as your Petitioner fears, this problem arises, the economic impact on the county and the inconvenience and disruption caused to rail passengers to and from it will be substantial. Such adverse effects appear to have been overlooked by the Promoter and, for example, have not been assessed or reported upon in the Environmental Statement. Your Petitioner therefore seeks clear commitments to maintain necessary capacity at Euston to address this problem.

#### *Inter-connectivity at the Interchange Station*

27 Your Petitioner has a further concern that the arrangements for transit from the proposed Interchange Station have not adequately taken into account the need to cater simultaneously for Birmingham Airport, NEC and inward and outward bound rail passengers going to and from Birmingham Airport, the NEC and by road to your Petitioner's area and other such destinations. Your Petitioner therefore seeks assurance that the proposed People Mover and related transit arrangements will be designed and introduced so as to cater adequately for peaks in demand.

#### *Minerals and Waste*

28 As the minerals and waste planning authority for its area, your Petitioner is concerned that:

- (a) inert waste arising from the High Speed 2 construction works should be re-used on site wherever practicable and that, where it cannot be so re-used, or has to be transported on the public highway, details of transportation routes and disposal sites should be agreed with your Petitioner;
- (b) the strategy for disposal or recycling of contaminated/ hazardous waste and the extent to which a nationally significant hazardous waste disposal/recycling facility in the far north east of Northamptonshire will be utilised remains unclear, removing the ability for appropriate forward planning in respect to this facility; and
- (c) appropriate provision is made, including necessary forward planning, for mineral extraction to meet the demands of the construction of High Speed 2.

29 Your Petitioner remains to be convinced that the Promoter has made appropriate provision in respect of minerals and waste in relation to its area and therefore also requests that further detail regarding inert waste, the strategy for disposal of hazardous waste and mineral extraction is supplied to your Petitioner at the earliest opportunity.

30 Your Petitioner requires the Promoter to produce a waste strategy that promotes waste prevention and safeguards existing waste management capacity within your Petitioner's area.

31 This strategy must be comprehensive and recognise that the greatest environmental benefits and cost savings will be delivered by producing less waste in the first place and one that includes a wide range of re-use and recycle options for unavoidable waste.

*Heritage: Archaeology*

32 The nominated undertaker should provide adequate opportunity and funding for archaeological investigation in respect of each of the construction and work sites in your Petitioner's area, for example works affecting both known and as yet undiscovered archaeological assets. The investigations should follow the guidance provided within the NPPF specifically Section 12 Conservation and enhancing the historic environment. In your Petitioner's submission the appropriate authority should be required to agree a programme of such work based on the details and aspirations provided within the Heritage Memorandum between your Petitioner and English Heritage. Your Petitioner also submits that the funding of this should be borne by the nominated undertaker.

### *Flood Risk*

- 33 Your Petitioner is concerned that there are potential adverse impacts on water resources in terms of risks to groundwater. The increased risk of surface water flooding arising from the construction and operation of the works authorised by the Bill has also been inadequately assessed and has the potential to have significantly adverse impacts. Construction impacts, and particularly the changes to landscape from dumping material, could further exacerbate the existing flood risk in flood prone areas.
- 34 Your Petitioner considers that the Promoter has not carried out a proper assessment of the risks of surface water flooding or the implications on ground water contamination arising from the High Speed 2 proposals in your Petitioner's area. Your Petitioner requests that HS2 Ltd commission a detailed independent assessment of these matters which can form the basis of comprehensive mitigation proposals. Your Petitioner believes that the Bill as it stands makes no provision to safeguard your Petitioner's area including its roads, from flooding and ground water contamination and the provisions necessary for their protection have been omitted from it.

### *Traffic authorities and street works*

- 35 Under clause 3 and Schedule 4 of the Bill the nominated undertaker may stop up and otherwise interfere with various highways in connection with the authorised works. Schedule 4 disapplies a range of highways and street works legislation. The proposed removal of these controls over such a major series of highway works has the potential to render your Petitioner powerless in its ability to manage its own highway network and will also hamper the ability of utility companies to manage their own apparatus which are within your Petitioner's highway. For example, there would be no powers available to your Petitioner under section 74 of the New Roads and Street Works Act 1991 to charge for the occupation of the highway where works are unreasonably prolonged. The key principle of the street works legislation contained in the 1991 Act is to provide for coordination and parity across street works undertakers. The proposed disapplication of these provisions would remove this principle and the replacement arrangements proposed under the Code of Construction Practice between the relevant highway authority and the Undertaker will have no sound legal or contractual basis.
- 36 Therefore your Petitioner seeks an amendment to the Bill omitting or qualifying the disapplication of the New Roads and Street Works Act and other relevant highways and street works legislation.

- 37 Your Petitioner is also concerned in particular that Clause 14 (4) of Schedule 4 of the Bill requires that it ensures that safe passage along new or altered highways constructed by the nominated undertaker is not endangered by snow or ice. This creates a more onerous requirement on your Petitioner than the Highways Act 1980 which only requires such duty to be performed in so far as is reasonably practicable. In common with other highway authorities, your Petitioner publishes a winter maintenance policy to determine which roads will form part of its winter gritting network. Many of the new or altered highways to be constructed by the nominated undertaker are on minor roads which do not form part of this network, and therefore the clause would create a new and financially burdensome duty on your Petitioner, which could lead to winter treatment being removed from more deserving communities. Your Petitioner therefore seeks that clause 14 (4) should be amended to state that the duty should only be performed “as far as reasonably practicable” or that it should be fully reimbursed for the additional costs involved.

*Limits of deviation*

- 38 Your Petitioner is further concerned that the limits of deviation contained in Schedule 1 of the Bill allow the vertical elevation of the route to be increased by up to 3 metres beyond that considered by the Environmental Statement. Your Petitioner is concerned that such alterations could have a significant additional impact on its communities and environment beyond that so far identified, and therefore seeks Schedule 1 to be amended so that the vertical elevation may be increased by no more than 2 metres upwards.

*Noise*

- 39 Your Petitioner is concerned that the noise levels used by the Promoter to determine the need for mitigation are significantly in excess of the baseline noise levels recorded for the rural areas of Northamptonshire in the Environmental Statement. Your Petitioner considers that a daytime level of 40 dB(A) and a night-time level of 35dB(A) would be much more reflective of the prevailing conditions in a rural area and requests that the Promoter provide additional mitigation so that those standards are reached.
- 40 Your Petitioner is further concerned that even on the basis of the assessment in the Environmental Statement significant numbers of properties within the villages of Radstone and Thorpe Mandeville experience a significant increase in noise levels, and specifically request that further mitigation, either by screening or lower of the route, is undertaken to ameliorate this situation.

*Exercise of your Petitioner's statutory functions*

- 41 Clauses 19 to 23 and Schedule 16 of the Bill put in place an alternative regime for planning permission, overriding many of the controls ordinarily operated by your Petitioner as local planning authority. Your Petitioner is concerned that this process, supplemented by the Environmental Minimum Requirements, does not give your Petitioner as a local planning authority significant time to make proper decisions on what may be very significant items of development. As such your Petitioner seeks an undertaking from the Promoter that in respect of specified significant development proposals (including any proposals that will be subject to public consultation and consideration by your Petitioner's planning committee), the relevant determination period shall be 13 weeks.
- 42 Your Petitioner has similar concerns that the technical approvals process as proposed in the Bill and its supporting documents, which allows for 28 days for approvals, does not give your Petitioner as a relevant local authority sufficient time to give appropriate consideration to what may be highly complex approvals. As such, your Petitioner seeks an undertaking that complex items of work will be subject to longer approval periods than 28 days, such periods to be agreed with your Petitioner.
- 43 Your Petitioner notes that the planning regime set out in the Bill is very similar to that contained in both the Channel Tunnel Rail Link Act 1996 and the Crossrail Act 2007. However, there is one significant difference that causes your Petitioner considerable concern, namely sub-paragraph 6(6) of Schedule 16 to the Bill. That sub-paragraph says that the relevant planning authority may impose conditions on approval of arrangements only with the agreement of the nominated undertaker. This tautological provision could render the planning authorities unable to impose conditions and should be struck from the Bill. Your Petitioner's concern applies to any other provision in the Bill in which authorities are given powers to impose conditions or other matters, only with the agreement of the nominated undertaker.
- 44 In addition your Petitioner is concerned that the construction of High Speed 2, taken together with the disapplication of certain highways and street works legislation which would ordinarily allow your Petitioner to control the timing of those works (as referred to earlier in this petition), means that the potential impact on transport and connectivity across the county will be severe. Your Petitioner considers that the assessment in the Environmental Statement understates the impact of construction activities.

*Environmental Statement: adequacy and accuracy*

- 45 Your Petitioner is concerned that the environmental impacts as reported in the Environmental Statement are under-estimated or mis-represented in several

respects as identified in its representations to the Secretary of State on the subject. It therefore seeks that these deficiencies be addressed and appropriate additional mitigation provided for.

- 46 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 very detailed comments to the Promoter in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioner has raised a great deal of concerns about the adequacy and accuracy of the Environmental Statement.
- 47 Fundamental deficiencies in the Environmental Statement have been identified by your Petitioner, including the following:
- (a) inconsistencies in the construction traffic flows presented and lack of assessment of construction noise impacts across all communities;
  - (b) inconsistency in relation to the reporting of impacts on Radstone;
  - (c) no assessment of temporary and permanent community impacts on Lower Thorpe;
  - (d) a lack of assessment of how the baseline train service and forecast passenger growth post-High Speed 2 will be accommodated at Euston and the impact on service performance and overcrowding over a wider area (public transport delay).
- 48 Your Petitioner is concerned that the assessment set out in the Environmental Statement allows a number of permanent environmental and community impacts to remain unmitigated within the county. For example, a number of important community assets are permanently lost to make way for High Speed 2, including Whitfield Racecourse and particular facilities of many others such as racehorse training at Culworth Grounds Farm, cross-country, schooling and dressage at Washbrook Farm equestrian centre and a loss of a third of Glyn Davies Wood nature reserve. The Environmental Statement identifies the loss of each of these community assets as a major or moderate adverse impact. However, no mitigation (either in association with a specific asset or cumulatively) is proposed.
- 49 Furthermore, the implementation of High Speed 2 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 deep rural nature through which the route 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 rural Northamptonshire will be permanently and negatively affected.

50 Further, the methodology applied in the Environmental Statement 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 High Speed 2 and it discounts certain receptors (e.g. for the purposes of reporting amenity and isolation effects, residential properties where the total number of dwellings effected 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 throughout the county is not considered.

51 As such, your Petitioner considers that measures should be implemented to provide compensation for the wider community in relation to these unmitigated permanent adverse effects of High Speed 2.

#### *Community fund*

52 Your Petitioner requests that the Promoter should be required to establish a community fund, the form of which should be discussed and agreed with local authorities, and which should be made available for the use of your Petitioner, other public bodies, charities and other organisations as a means to offset the environmental and other damage that will be caused to the inhabitants of your Petitioner's area, in the absence of any gain. The fund should enable your Petitioner and others to provide for replacement and additional facilities, infrastructure or other mitigation. There is relevant and recent precedent for the establishment of such funds in respect of other major infrastructure projects, for example on High Speed 1 and the Hinckley Point nuclear power station. Your Petitioner considers the proposition now set out in the Promoter's information paper that local authorities should not qualify for funds available as part of the community fund to be misconceived.

#### *Environmental Minimum Requirements*

53 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 and other local authorities to be satisfied that the environmental effects of High Speed 2 will be acceptable. Therefore, your Petitioner seeks an assurance and an amendment to the EMRs to ensure that the EMRs guarantee that:

- (a) appropriate mitigation will be provided for all environmental effects identified in the Environmental Statement;

- (b) the environmental effects reported in the Environmental Statement are not exceeded; and
- (c) the Undertaker will use reasonable endeavours to further reduce any adverse environmental impacts.

*Compulsory acquisition powers for regeneration*

- 54 Clause 47 of the Bill would confer novel powers on the Secretary of State to acquire land compulsorily for regeneration and development. This power is unqualified, meaning there is nothing in the Bill that would ensure it is only used as a matter of last resort. Furthermore your Petitioner considers that such regeneration or development of land within its own local authority area would be completely inappropriate and contrary to the Development Plan for the area.
- 55 Therefore your Petitioner seeks an amendment to the Bill omitting clause 47 or disapplying it to its area.

*Balancing ponds and drainage areas*

- 56 There are approximately 23 balancing ponds and 23 land drainage areas shown on the maps of your Petitioner's area contained within the Environmental Statement. These are alien features in the area and will have an environmental impact of their own which has not been assessed. Your Petitioner recognises that proper drainage facilities are required for the railway but require justification from the Promoter that those proposed in the Bill are the right ones, particularly taking into account the effect on agricultural and other land take. Your Petitioner also seeks an undertaking from the Promoter that all reasonable endeavours will be used, including implementing alternative drainage solutions to the proposed balancing ponds, to minimise land take in their area.

*Design manual for viaducts and other major structures*

- 57 The Bill proposals envisage a range of significant viaducts and other structures within your Petitioner's area associated with the railway, including a number of overbridges to accommodate diverted highways and rights of way, the Lower Thorpe viaduct, the Edgcote viaduct and the Highfurlong Brook viaduct up to 9m high and for an approximate total length of 950m. The design of such structures should seek to protect heritage assets, to be sympathetic to their surroundings in general and to be iconic where appropriate rather than purely functional. Your Petitioner is concerned that the designs set out in the Environmental Statement are inadequate in this respect.

- 58 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.

#### *Local Authority Costs*

- 59 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 monitoring highways, mineral extraction and other matters are met by the nominated undertaker, together with expenditure incurred by your Petitioner in planning and programming activities related to the CoCPs and in enforcing them.
- 60 As part of the alternative consent regimes mentioned above, your Petitioner must be able to recover from the Promoter or the nominated undertaker their full costs of processing applications, including pre-application discussions. Your Petitioner notes that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local planning authority in respect of requests for detailed planning consent. Your Petitioner is pleased to note this, but seek assurances from the promoter of the Bill about the level of those fees and the ability of the promoter of the Bill to cover its costs of dealing with all applications, not just those directly related to the planning provisions in the Bill, and taking enforcement action where necessary.

#### *Provision of information and consultation*

- 61 Your Petitioner has serious concerns over the provision of information supplied by the Promoter, 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.

*Conclusion*

- 62 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.
- 63 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its 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 its 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.

Bircham Dyson Bell LLP

Parliamentary Agents for Northamptonshire County Council

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON –  
WEST MIDLANDS) BILL

PETITION OF  
NORTAMPTONSHIRE COUNTY  
COUNCIL

AGAINST, By Counsel, &c.

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Solicitors and Parliamentary  
Agents

15 May 2014