

0267

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF THE CHILTERN BREWERY

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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.
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 disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.

4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works proposed to be authorised by the Bill ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.
7. Your Petitioner is The Chiltern Brewery, which is a partnership. Your Petitioner owns a freehold interest in its brewery ("the Brewery"), which is located at Nash Lee Road, near Wendover in the District of Aylesbury Vale.
8. Your Petitioner alleges that its rights, interests and property will be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form, and your Petitioner accordingly objects to the Bill for the reasons, amongst others, hereinafter appearing.

Introductory

9. Your Petitioner is a family business, founded in 1980 with the aim of re-introducing the brewing of local craft beer to Buckinghamshire and the Chilterns. Your Petitioner employs nearly 20 people across 2 sites, all within 10 miles of the Brewery. Your Petitioner's founders, who remain partners in the business, live on the site of the Brewery.
10. Your Petitioner has steadily built up the business over a period of 34 years and has created a thriving Brewery and onsite shop that trades off its beautiful rural location in the Chilterns Area of Outstanding Natural Beauty ("AONB") and Greenbelt. In November 2011, as part of the planning process to increase the size and brewing capacity of the Brewery, your Petitioner completed a

'Statement of Special Circumstances' which successfully argued the need for your Petitioner to remain in its current rural location and develop the existing site in order to survive as a business.

11. In that statement, your Petitioner said "The very nature of the business, its customers, the staff, the buildings, the main product, side products and even waste products are allied, reliant and dependent upon its location and situation on the edge of the Chiltern Hills".
12. After having taken 5 years to obtain the planning permission to re-develop the Brewery on the very basis that it was justified because of the need for it to remain at its current rural setting, it is unacceptable to your Petitioner to find that the rural nature of the area will be permanently blighted by HS2.
13. The Brewery is located to the west of the route of the proposed railway where it would cut across what is now open countryside, having just emerged from the proposed Wendover Green Tunnel in cutting. To the immediate west of the railway will be a significant area of bunding, running along the line. It is also proposed that there will be a satellite construction compound for the B4009 Nash Lee Road Overbridge located near to the Brewery, and the Wendover Green Tunnel (North) satellite compound will also be located within sight of the Brewery. It is also likely that there will be works to the overhead electricity lines that are near to the Brewery. The construction works in the vicinity of the Brewery will continue for a number of years.
14. If the proposed works proceed without alteration they would seriously affect the viability of your Petitioner's business and livelihoods of those employed by your Petitioner.

Visual Impact

15. Your Petitioner is concerned that the proposed railway will 'urbanise' and thus significantly damage the beauty of the local area to a sufficient degree. In turn, your Petitioner believes that this will deter customers from visiting the area and remove a significant portion of passing trade. This will be particularly acute during the construction phase. The railway and the bunding alongside it will create an alien linear barrier running across the countryside at this location. The loss of the Greenbelt land caused by the new railway line, its bridges, and maintenance loops, embankments and cuttings are of concern as they urbanise the currently beautiful countryside in which your Petitioner and its employees work and live.
16. The view to the north and east of the brewery and the premises will be blighted by the line thus significantly reducing the value of the Brewery and attractiveness of the local area. Your Petitioners would urge your honourable House to ensure that the Promoter does all that it can to provide and support tourism within the area, particularly during construction of the high speed railway.

17. Your Petitioner would ask your honourable House to consider a fully bored tunnel under the Chilterns exiting north of Aylesbury which would eliminate nearly all the potential issues that are mentioned below – the visual impact, noise, loss of Greenbelt and construction issues (depending on what the surface construction requirements were). Construction and HGV traffic would then be moved away from the sensitive AONB and Greenbelt areas to more sparsely populated and less sensitive locations. Failing this, the Petitioner requests that the green tunnel going under Wendover be increased in length so that it finishes due north of the Brewery towards Stoke Mandeville. This would address, to a greater degree, your Petitioner's concerns in relation to the operation of the high speed railway but not the construction issues.
18. Your Petitioner would request that the proposed nearby worksites and maintenance loop be moved from their current location to a more rural location (perhaps further north in Buckinghamshire) rather than on the border of the Greenbelt and AONB boundary. Failing this then every opportunity must be taken to minimise the sight lines of the construction project from the roads and surrounding areas.
19. If your honourable House does not agree to that proposal, then your Petitioner would ask that the very best measures available are used to overcome the urbanisation effect, for example lowering the line further and ensuring that planting and other mitigation works which fit into the locality are utilised.

Traffic, Noise, Vibration, Dust and Disturbance

20. There will be substantial interference from noise, vibration and increased activity as a result of the work site, excavations, and heavy goods vehicle movements. The environmental statement deposited with the Bill mentions that the average number of daily combined two-way vehicle trips during busy periods and within peak month of activity will be 40 to 90, using the Nash Lee Road and A413 or A4010.
21. The Brewery, its residents, customers and staff will suffer substantial interference from noise, particularly if construction vehicles are allowed to run past the Brewery on Nash Lee Road. Your Petitioner seeks an undertaking that construction vehicles will not be permitted to do so, except in an emergency and that the very best noise mitigation measures will be implemented, to screen the Brewery from the worksites in a way that fits in as best as possible with the surrounding area, and which limits the hours construction vehicles can operate from 7am to 4pm. The Petitioner requests that this confirmation from the Proposer is confirmed in writing before construction.
22. The effect of noise arising from the trains once running is also a serious concern. Your Petitioner understands that the local authorities in Buckinghamshire will be asking your honourable House for

additional noise mitigation assessment to take place, and for the speed of the trains to be restricted in the evening and night time. Your Petitioner supports the local authorities, and in any event asks your honourable House to ensure that the very best noise mitigation measures are employed at this location (taking consideration of the visual impact of those measures).

23. Due to the severity of the potential impact on the A4010, B4009 and A413 connecting the Brewery and the proximity of the project, the Petitioner requests the building of a relief road or bypass to the B4009 prior to the construction project. All construction traffic would then travel along this road thus removing the disturbance, noise, vibration and increased activity away from the Brewery and Terrick residents. This scheme has been raised previously at county level as potential mitigation to the effects of the high speed railway. It is requested that it be implemented.
24. Your Petitioner is concerned about the effects of vibration arising from the construction of the high speed railway and associated development including heavy construction traffic. Your Petitioner is also concerned that the operation of the high speed railway will give rise to vibration. Vibration will severely impact upon the business, and the use and enjoyment of the Property by your Petitioner as well as on the neighbourhood's amenity. The brewing of beer requires static brewing vessels for the quality of its beer and the safety of its employees. Your Petitioner requests that assurance is given that the construction of running of the high speed railway will not cause vibration to the Brewery and its vessels.
25. Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in the Property and there are no other adverse effects.
26. Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on their Property, business activity and environmental quality of the neighbourhood. The brewing of beer requires utmost cleanliness which includes the air quality and an environment free from dust.
27. Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation. Your Petitioner requests that there is a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioner's Property and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.

Light Pollution

28. Although the ES says that neither of the two nearby worksites will provide overnight accommodation, there will be serious disturbance from light used to illuminate the work sites, the proposed sidings, car parks and access points, and possibly once the railway is operational. As mentioned previously, moving the construction village away from the proposed location would mitigate this problem. Screening and landscaping the area would also mitigate light pollution, which is also requested by the Petitioner.
29. Your Petitioner asks that lighting should be carefully designed so that it is low level and directional and does not result in any light escaping unnecessarily into what is a dark rural area. It should only be used during periods when it is absolutely necessary. Furthermore, your Petitioner seeks an undertaking that neither of the worksites will include overnight accommodation, and that construction activities will cease strictly in accordance with the time limits imposed by the Code of Construction Practice. Your Petitioner asks that the code be amended so that shorter working hours are implemented when daylight hours are fewer.

Loss of Greenbelt and AONB

30. The loss of Greenbelt land caused by the new railway line, its bridges and maintenance loops and cuttings are of concern as they urbanise the currently beautiful countryside in which your Petitioner works and lives. Landscaping of the perimeter of the line carried out with the planting of native, locally appropriate and attractive trees with the aim of enhancing and improving the surrounding landscape. The Petitioner requests that this should be carried out by the completion of the project.

Electricity Supply Disruption

31. Following the storms this winter, your Petitioner is fully aware of the disruption caused by power failure, even when planned and notified. Electricity is essential in a brewery 24 hours a day, 7 days a week. A power cut, however caused, requires the very costly supply of a generator. Your Petitioner requests that power cuts are avoided, but if absolutely necessary, then compensation for the provision of an alternative supply would be provided.

Water Quality and Supply Issues

32. Water is the primary raw material in the brewing of beer, and its quality and consistency of supply is paramount. Your Petitioner requests that the water supply is not interrupted, but if absolutely necessary, then compensation for the provision of alternative supply is made.
33. Your Petitioner is concerned that the proposed onsite spring water supply at The Chiltern Brewery

may be affected by the construction and running of the proposed railway line and seeks assurance that this will not occur. Failing this compensation be made for the loss in water quality.

Loss of good Agricultural Land

34. The land through which the proposed railway will pass near the Brewery is first class agricultural land. The railway and the proposed maintenance loop to the north of Nash Lee Road will cut through a number of fields which belong to the local farmer, bringing his farm into a potentially unviable position. He currently takes away all your Petitioner's spent grains (waste malt) and feeds them to his cattle. Should he be forced to sell the farm then your Petitioner's costs in removal of its spent grains will be increased significantly. As mentioned previously your Petitioner requests that the maintenance loop be removed from the Greenbelt and AONB boundary to a less sensitive area and would thus leave the farmer's land unaffected.

On Trade – Brewery Shop Sales

35. 55% of your Petitioner's income is derived from its onsite Brewery Shop. As mentioned earlier, all three roads connecting the brewery; the B4009, A413 and A4010 will be severely affected during the construction period and that will bring unacceptable disruption as well as loss of passing traffic as customers and visitors will abandon the area. Disruption to passing traffic on this scale will have very serious ramifications for the viability of your Petitioner's Brewery Shop.
36. In 2006 Thames Water upgraded the sewer which runs down Nash Lee Road passing your Petitioner's Brewery. During pre-consultation your Petitioner was told that construction would take 6 weeks and that traffic would be controlled with traffic lights for most of that period. It transpired that due to difficulties the works took three months and that the road was closed for some of that period. Your Petitioner suffered a 55% drop in its normal income, only part of which they recovered. Your Petitioners fear that similar disruption from HS2 over a much longer period would result in much greater losses, potentially affecting the viability of your Petitioner's business, including the employment of staff.

Off Trade – Local Pub Sales

37. Your Petitioner is also concerned about the wider effect of the works on over 100 local outlets all within 30 miles of the brewery and many of which are local pubs close to or liable to be affected by traffic and other impacts arising from the proposed railway. These include businesses in Wendover, The Lee, Hyde Heath, Great Missenden, Amersham and the Chalfonts. Your Petitioners would urge your honourable House to ensure that the Promoter does all it can to reduce the impact of the proposals generally on local businesses in the local area, and to provide support to those businesses

and local authorities in ensuring that the area is seen to be "open to business" despite the works.

Compensation

- 38. As a result of the blight and urbanisation caused by the lines, your Petitioners expect that they will face a significant and possibly devastating drop in turnover, and a significant drop in the value of their land and residential property.
- 39. The proposals in the Bill for compensation are inadequate and your Petitioners would urge your honourable House to make a special case for your Petitioner and require the Promoter to provide compensation to your Petitioner for all losses suffered as a result of the construction and operation of the proposed works, and loss of ensuing value.
- 40. Furthermore, your Petitioner would request your honourable House to recommend that your Petitioner should be given full business rates relief during the construction period to help compensate for the downturn in turnover that your Petitioner envisages.

General

- 41. There are other clauses and provisions in 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.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

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SIGN

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

of

THE CHILTERN BREWERY

AGAINST,

BY COUNSEL, &c.

1-10-13 10:00 AM

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