

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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 the Chiltern Society

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, 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 ("the Authorised Works") 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 and Schedules 2 and 3 of the Bill.
- 7       Your Petitioner is the Chiltern Society, a registered charity, set up in 1965, with the objectives of maintaining the uniqueness of the Chilterns in the face of growing pressures on this part of the country. We aim to do this by
- Helping people conserve and improve footpaths, rivers and streams, areas of tranquillity, heritage buildings and landscapes
  - Promoting high standards of planning and architecture, and argue against developments that will spoil the area
  - telling people about the Chilterns' unique character and history
  - encouraging people to walk or cycle in the area, and visit attractions
  - encouraging people of all ages to enjoy and care for the natural environment and beauty of the area.

Your Petitioner has approximately 7,000 members, of whom 500 regularly volunteer to maintain and improve footpaths, woodlands and commons and rivers, as well as manage and maintain watercress beds and a windmill. Many of the members live and or work in the area that will be affected by the construction and operation of the railway, authorised by the Bill. Currently your petitioner owns and manages 46 ha of land in the Chilterns. In addition, Your Petitioner is negotiating to acquire a further 6 sites (30 ha), as well as providing management on a further 25 sites across the Chilterns. Your petitioner also organises walking and cycling trips, many of which cross the Misbourne Valley, an area which is adversely affected by the construction and operation of the railway authorised by the Bill.

The Society works closely with the Chiltern Conservation Board on projects to conserve and enhance the Chiltern AONB. It also works with local Parish Councils, the Forestry Commission and other Non Government Organisations.

Your petitioner takes a particular interest in the maintenance and

improvement of the chalk streams in the Chilterns. One of these, the River Misbourne, is at severe risk of disappearing due to the construction of the railway authorised by the Bill. This would have a serious impact on the wildlife dependent on the river and the amenity of the people living along the river, including many of your petitioner's members

The Chiltern Society is recognised by Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council as a consultee on planning applications, highway and Rights of Way works and other matters affecting the area in which those whom it represents live.

Your Petitioner engaged with HS2 Limited on 21 November 2012 in a discussion of the impacts of tunnelling under the Misbourne Valley and in particular the risk of damage to the public water supply, the risk of losing the River Misbourne through changing the flow of water through the aquifer and the risk of subsidence crossing the river at Chalfont St Giles.

- 8 Your Petitioner and its members' rights and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

#### Concerns

- 9 Your Petitioner is concerned about the quality and completeness of the Environmental Statement attached to this Bill. these concerns were set out in Your Petitioner's response to the Consultation on the Environmental Statement. In particular the fact that 40% of the land along the route was not surveyed and thus rare or endangered plants and animals have not been identified. Further that geological surveys have not been completed which may reveal that the Proposed Route may be compromised. Many of your petitioner's concerns were set out in the report of the Environmental Audit Committee of your Honourable House. Further Your Petitioner agrees with Natural England's comment 'Natural England considers the significance of landscape effects associated the Proposed Scheme on the Chilterns AONB is greater than advised in Volume 3 of the ES. We advise that further mitigation would be required to moderate these effects in order to satisfy the Government's policy set out in Paragraph 116 of the NPPF'. Your Petitioner requests that the work on the Environmental Statement is completed and consulted on with the Public, before the Bill is presented for its third reading.

- 10 Your Petitioner understands that The Countryside and Rights of Way Act 2000 sets out a duty for Government and Statutory bodies to make every effort to conserve and enhance Areas of Outstanding Natural Beauty (AONB). Your Petitioner is particularly concerned that the Landscape of the Chilterns AONB will be completely altered by the construction of four ventilation and access shafts, 5 tunnel portals and exits, cuttings, embankments, viaducts, balancing ponds and the dumping of millions of cubic metres of extracted soil in the Upper Misbourne Valley. These together with the loss of 41 km of hedgerows and the partial destruction of Grim's Ditch, a scheduled ancient monument will destroy a landscape that has hardly changed in the last 400 years. The impact of such changes would be to substantially adversely impact the visual enjoyment of its members and the general public of the Upper Misbourne Valley in the centre of the Chilterns AONB. In particular the proposal to create a 'sustainable' soil dump at Hunt's Green Farm, measuring 1,300m x 450m x 5m high according to the ES, and subsequently increased to 9m high verbally by HS2 Limited, would create an unnatural hill on the slope of the valley. No apparent efforts have been made to avoid the Chilterns AONB or to minimise the damage to be caused by the construction and operation of the railway authorised by the Bill.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided. This will eliminate all or a substantial part of the damage to the AONB. . In the event that such a tunnel is not provided Your Petitioner requests that the vertical alignment of the railway is lowered in accordance with the Draft Environmental Statement produced in the summer of 2013. This will substantially reduce the spoil created. Further that any spoil not directly used for sound attenuation or landscaping directly related to the proposed railway line, is removed from the AONB, and that the disposal of soil from outside the AONB is specifically prohibited.

- 11 Your Petitioner is concerned that wildlife will be severely adversely affected both during construction and operation, with the destruction of ancient woodlands, the loss of 41 km of hedgerows, other habitats and the cutting of animal migration trails. In addition the operation will put birds at risk of collision, particularly barn owls and red kites. Further that these losses will adversely impact our members enjoyment of the countryside.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided to fully avoid these impacts. In the event that such a tunnel is not provided Your Petitioner requests that all animal migration routes are identified before construction begins, and provision is made for these migration routes to

be replaced with either green bridges over the railway or underpasses under the railway. In addition, that hedgerows destroyed are replaced restoring the ancient field patterns as far as possible.

- 12 Your Petitioner is concerned with the impact on Bacombe Hill Site of Special Scientific Interest (SSSI) of the construction of the Wendover 'green tunnel', which will give rise to dust pollution from the access road to the construction site, and the risk of loss of the fringed gentian, of which the SSSI is the only known site in the United Kingdom.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided. This would avoid the construction of the 'green tunnel' to the west of Wendover. In the event that such a tunnel is not provided, Your Petitioner requests that mandatory measures are included in the Code of Construction Practice to prevent dust leaving the worksite, and that these measures are monitored, regulated and enforced by the appropriate District or County Council. Further that work on the site ceases when wind speeds exceed 10kph.

- 13 Your Petitioner is concerned that the closure and diversion of Public Rights of Way (PRoWs) during construction will lead to a loss of revenue from providing maintenance services, and that its members will be deprived of the opportunity to enjoy the footpaths and countryside in the area of construction, particularly in the Upper Misbourne Valley.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided, which would avoid any disturbance to the network of PRoWs in the AONB, and in particular to the 25 footpaths affected in the Misbourne Valley. In the event that such a tunnel is not provided, Your Petitioner seeks compensation for the loss of revenue during the period of closure. Where a PRoW is diverted, a replacement PRoW of an equal or similar length must be provided first between the same locations, further, that this diversion must not run parallel to the HS2 track. Any replacement PRoW must be planned in consultation with the local community, including Your Petitioner.

- 14 Your Petitioner is concerned that views from PRoWs both in and overlooking the Misbourne Valley, including national trails, such as the Ridgeway and the Icknield Way, will be so adversely affected by the construction and operation of the railway authorised by this Bill, as to deter and substantially reduce the number of walkers, including our members, using them

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided to eliminate the

impact on the views from these paths of the construction of embankments and viaducts and permanent manmade structures cutting through the heart of the AONB. Should such a tunnel not be provided, Your Petitioner requests that the railway track is lowered so that the visual impact of the railway is virtually eliminated.

- 15 Your Petitioner is concerned about the impact on its members of the excessive noise that will be created by the construction and operation of the proposed railway. In particular the impact of noise at night from operation of the trains.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided to eliminate the noise arising from construction and operation. In the event that such a tunnel is not provided, Your Petitioner requests that the Nominated Undertaker should not just comply with current best practice (the World Health Organisation's guidelines for example) but should be designed to take account of likely future requirements. Such "future-proofing" should allow for the highest possible standards to be met for the life of the project (60 to 100 years).

16. Your Petitioner is concerned about the impact on the Colne Valley Regional Park (CVP). Your Petitioner is a Member of the Community Interest Company that manages the Park and contributes to its core funding. About 40% of the CVP area, including that threatened by the HS2 route, falls within the Chiltern Society's charitable area of benefit. The CVP is an important part of the West London Rural-Urban Fringe. This was recognised in the 2009 South East Plan by reference to the North West Green Arc initiative, which sought to provide a 'more joined-up approach' to managing the rural-urban fringe 'between London and the Chilterns AONB' (ref. para 11.16 of the South East Plan). The CVP provides a strategic buffer between urban West London and the Chilterns AONB and is widely regarded, including by Your Petitioner, as a gateway to the Chilterns from London. Although the South East Plan was shelved by the present Coalition Government, those key principles remain relevant. The proposed HS2 alignment across the CVP would significantly undermine adherence to those principles.

This sensitive central rural area of the Regional Park is vulnerable to major built development. The Park provides a range of outdoor leisure and educational facilities, which will be severely impacted by the building of a viaduct across the River Colne and by construction activity in the Colne Valley. During the construction period there will be an impact of noise, closure of footpaths and other disruption, which will adversely affect visitors' enjoyment, thus reducing the number of people using the Park and adversely affecting the revenue, which is vital for its upkeep. In addition there would be an adverse impact on the Mid Colne Valley SSSI, which is an important centre for migratory waterfowl. As

admitted in the ES, the work on diverting the Colne to facilitate construction of the viaduct risks pollution of the water in the River Colne, with unknown consequences for dependent wildlife.

Further during the operation of the railway there will be substantial a severe visual impact as well as noise pollution from early morning until 11pm. This again will impact on people, including our members, using the Colne Valley Park for a variety of recreational purposes, and with unknown consequences on the migration patterns of waterfowl and on other wildlife.

All of these impacts would be avoided by the provision of a fully bored tunnel under the River Colne, and Your Petitioner requests that such a tunnel should be provided.

17. Your Petitioner is concerned that the Code of Construction Practice in the Environmental Statement is in draft form only, and contains many vague and non committal statements such as 'mitigation will take place if reasonably practicable'. Your Petitioner and its members cannot be certain whether mitigation described in the Code of Construction Practice will in fact take place.

Your Petitioner requests that the Code of Construction Practice is finalised before construction begins and that vague and non committal phrases are removed therefrom. Further that revised Code of Construction Practice is consulted on again so that the public, including Your Petitioner can be satisfied that the impact of the proposed construction is fully understood. Further that the Code of Practice is monitored and enforced by the appropriate local authority.

18. Your Petitioner is concerned that the 'Nominated Undertaker' is given the power to vary the vertical alignment of the railway by up to 3m. This could result in the railway being raised by 3m, substantially increasing the noise and light pollution and a further detrimental impact on the Landscape of the Chilterns AONB, to the detriment of its members living there and using the Public Rights of Way in the Upper Misbourne Valley during the construction and operation of the railway authorised by this bill.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided to eliminate this risk in the AONB. Should such a tunnel not be provided, Your Petitioner requests that the power to vary the vertical alignment is restricted to a downward movement, thus potentially lowering the route and reducing the impact on the AONB.

19. Your Petitioner is concerned at the potential loss or pollution of Public Water Supplies in the Colne Valley Catchment Area (which supplies 22%

of London's water) arising from the proposals to alter the course of the River Colne, and at Chalfont St Giles and Amersham, through tunnelling under the Misbourne Valley. This would adversely impact your Petitioner's members living in those areas. Your Petitioner is further concerned that the flow of water through the aquifer may be diverted in the aquifer and lead to loss of the River Misbourne and Shardeloes Lake near Amersham. The River Misbourne is a chalk stream, which are a globally rare habitat. The loss of the river would mean the loss of a habitat which supports many flora and fauna, including water voles, a protected species. Your Petitioner is further concerned at the adverse impact on the amenity of its members and the general public through the loss of the river.

Your Petitioner requests that the proposed tunnel is sufficiently deep below the surface to minimise the impact of diverting water pathways through the aquifer and reducing the impact on Public Water abstraction points.

- 20 Your Petitioner is concerned about the impact of Construction traffic and activities on communities across the Central Chilterns where many of its members live. Many of these communities are integrated across the valley with the substantial risk of the loss of community cohesion. Many of Your Petitioner's members commute to work, and will face delays and disruption in their journeys to work. Your Petitioner is further concerned about the impact of construction traffic activities on the education of our members' children on their travel to school and the disruption of their education.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided to eliminate or substantially reduce these impacts. Should such a tunnel not be provided, Your Petitioner requests that movement of construction traffic should be prohibited during Peak Times for local traffic. Peak Times vary from community to community but are generally a period of approximately three hours in the morning and evening. Should such a prohibition not be provided, Your Petitioner requests that cash compensation is offered its members and members of the public who are inconvenienced.

- 21 Your Petitioner is concerned about the impact of the Proposed Route on the Emergency Services in the Central Chilterns. Your Petitioner has approximately 500 regular volunteers across the Chilterns. This volunteer activity includes maintenance of footpaths, woodlands, grassland and open spaces, and includes the installation of gates and stiles on PRowS. Much of this work involves equipment capable of inflicting serious injuries, despite having a stringent Health and Safety Regime. During the construction period, the access to Stoke Mandeville Hospital, the major

Accident & Emergency and Trauma Centre in Buckinghamshire will severely impacted by the construction of HS2. In addition Your Petitioner is concerned about the level of emergency services that will be required to support the operation of the railway approved by this bill.

Your Petitioner requests that a fully bored tunnel from the M25 to north of Wendover where the AONB finishes is provided to eliminate the impact of construction and operation of the railway hereby approved by this bill on the Emergency Services. Should such a tunnel not be provided, Your Petitioner requests that HS2 Limited is required to consult with the emergency services, Ambulance, Fire and Police to establish the additional resources that these services will require to ensure the prompt provision of such services for Your Petitioner's members and members of the General Public, and that HS2 Limited meets the additional costs identified by those services. This could include the cost of supplementing the Air Ambulance Service for the duration of the construction period.

- 22 All of these adverse impacts would be avoided by a route for the railway, which avoided the Chilterns Area of Outstanding Natural Beauty, such as the proposal of an alternative railway route by HighSpeedUK, which offers cost savings of 25%, minimised environmental damage by following motorways, better interconnectivity, with connections to both the Continent and Heathrow [www.highspeeduk.co.uk](http://www.highspeeduk.co.uk).

Alternatively a fully bored tunnel under the AONB to north of Wendover would eliminate or substantially reduce the adverse impacts of the construction and operation of the railway authorised by the Bill

Your Petitioner requests that consideration is given to the provision of a three bore tunnel from the M25 to the edge of the AONB north of Wendover. Such a tunnel, similar to the Channel Tunnel, would eliminate all the damage to the AONB by removing the need for ventilation and access shafts and an intervention gap. It would also enable the Government and HS2 Limited to honour their commitments under the Countryside and Rights of Way Act 2000 to conserve and enhance the AONB. Further it is a proven system for substantially ensuring the safety of passengers in the event of an accident in one tunnel. The reduction in impacts on the AONB is set in Your Petitioner's response to the Consultation on the ES attached to this Bill.

Should such a tunnel not be provided, we request that consideration is given to providing a fully bored two tunnel system, such as proposed by Chiltern District Council together with Aylesbury Vale District Council, Buckinghamshire County Council and the Chilterns Conservation Board, or the CRAG proposal as set out in the ES as the T2 option. Both of these would, as agreed in the ES, substantially reduce the environmental damage to the AONB

Should such a tunnel throughout the AONB not be provided, Your Petitioner requests that consideration is given to the provision of an

extension to the fully bored tunnel to Mantles Wood to the north of South Heath, as proposed by the Residents Environmental Protection Association. Such an extension would reduce substantially the disruption, due to construction, to our members who live in Hyde Heath, Hyde End and South Heath. Further, it would reduce the environmental damage to the AONB by eliminating the impact on 10ha of ancient woodland, retaining ancient field patterns, and eliminating the need for a cutting up to 25m deep and a cut and cover tunnel to the west of South Heath. In addition, the line from the portal of this tunnel to the Wendover cut and cover tunnel be placed in deeper cuttings to at least the levels originally proposed by the 2011 consultation with sound barriers and bunds, where appropriate, to seek to reduce noise and light pollution, and to conceal the line and the gantries. Further that green bridges are provided for all PRow's and animal migration routes.

In addition, as further mitigation of the adverse impact of the scheme on the AONB, we request that the network of electricity pylons along the Proposed Routes, many of which need moving are put underground to reduce the impact of manmade structures in the AONB.

- 23 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, clauses, so far affecting your Petitioners, should not be allowed to pass into law.
- 24 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property [delete as necessary] and for which no adequate provision is made to protect your Petitioners.

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 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 Petitioner 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.

[Signature of Petitioner in person, or Agent for the Petitioner]

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HIGH SPEED RAIL (LONDON-WEST MIDLANDS) BILL

PETITION OF CHILTERN SOCIETY

AGAINST, By Counsel, &c.

Chiltern Society