

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 – 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 CLLR SEB BERRY (Great Missenden Ward Chiltern District Council)
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 ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.
7. Your Petitioner is Independent Great Missenden Cllr Seb Berry. He was elected to Chiltern District Council in 2011 and has devoted his period in office to serving his village and ward residents blighted by the promoter's scheme. Your petitioner has worked part-time since his election in order to represent the village to the best of his ability and because the demands placed on all directly affected local representatives as a direct result of the promoter's scheme are exceptional. Your petitioner has participated in unsatisfactory formal bilateral meetings with the promoters of the Bill to discuss mitigation measures for Great Missenden village, played an active role making the case for improvements to the scheme during the Community Forum process and has taken up numerous issues with HS2 Ltd including the plight of residents living at Cudsdens Court in Great Missenden ward, who live literally a few metres beyond the 120m voluntary purchase scheme boundary.
8. Your petitioner represents residents who will be very directly and injuriously affected by the proposed seven year local construction period, including construction of the South Heath "green tunnel" (which includes construction, construction site and spoil site within the Great Missenden District Ward), for which the promoters draft Construction Code of Practice, even if enacted in full and at all times throughout the construction period, provides insufficient protection for local residents. The promoters use of the words "as far as reasonably practical" to describe various commitments made in the draft Code of Practice, do not provide the level of reassurance required by affected residents across Great Missenden Parish for a project of this scale, magnitude and duration, nor does it provide any reassurance that there will be proper independent monitoring of the Code to ensure that contractors adhere to its terms.
9. Your petitioner requests that your honourable House should take the opportunity of examining the draft code of Construction Practice and consider the case for strengthening the Code particularly in relation to all night-time and weekend working, to provide effective protection of communities and stakeholders, including independent monitoring and to ensure that there will be effective enforcement.

10. Your Petitioner is particularly concerned about the treatment of residents living at Cudsdens Court on Chesham Road on the edge of Great Missenden District Council ward. Cudsdens Court residents live approximately 125 metres from the centre of the line and adjacent to the large construction site proposed to support the construction of the green tunnel at South Heath. Severe impacts will be suffered by local residents particularly from the sudden influx of a large number of temporary construction workers, machines and materials. Your Petitioner requests that this construction site should not be sited so close to Cudsdens Court. Your Petitioner would suggest that, subject to appropriate safeguards, at the very least the construction site proposed could be moved to the south east, further away from residential properties.
11. Residents of Cudsdens Court are expected to live with a very major construction project for a period of four years and your Petitioner requires an assurance therefore that the Nominated Undertaker will protect residents from inconvenience and environmental harm during this period, including the effects of construction and vehicular noise, night-time light pollution, vibration, dust and poor air quality.
12. Great Missenden is situated in the very heart of the Chilterns Area of Outstanding Natural Beauty (AONB), and its >50 village businesses (almost all independent businesses) and wide range of health, education, local transport and other services reflect the significance of the village to the AONB and to the communities within it. Great Missenden has a population of 2,500, making it by far the largest of the Misbourne valley and ridge top villages directly impacted by the promoters' scheme in this part of the AONB.
13. Great Missenden is also home to the internationally famous Roald Dahl museum, which attracts over 60,000 visitors to the village per annum, including approximately 10,000 school children in organised school trips. Your petitioner is concerned that the use of local roads and the presence of large construction vehicles and associated congestion will deter not only visiting families but also school parties, as school heads will be unwilling to incur delays to lesson timetables, thus affecting visitor numbers to the museum (and therefore the village) and threatening its financial sustainability. These concerns were raised directly with the promoter of the scheme during the Environmental Statement consultation, but have been ignored.
14. Your petitioner requires that the Nominated Undertaker guarantees that the single lane A4128 that runs through the village Great Missenden, including the wholly residential Martinsend Lane that links Great Missenden with the larger neighbouring village of Prestwood, will not be used at any time by construction traffic and your petitioner requires a similar guarantee for all minor roads in Great Missenden and Prestwood south of the A413.

15. The AONB was designated in 1965 for the natural beauty of its landscape, its nature and cultural heritage. The promoters of the Bill are presenting a railway which literally drives a straight line through protected landscape and which would dissect areas of ancient woodland and high quality landscape and leave a permanent feature upon it. Your petitioner believes that the proposed mitigation within the AONB is wholly inadequate.
16. Your petitioner considers that the AONB railway route, design and construction contradicts:
 - 16.1 Paragraphs 115 and 116 of the National Planning Policy Framework (NPPF), which requires developers to ensure that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.";and
 - 16.2 fails to discharge the duty imposed on the Secretary of State for Transport pursuant to section 85(1) of Countryside and Rights Of Way Act 2000 to "have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.
17. Great Missenden is central to the wider AONB economy, including tourism. Your petitioner is concerned at the lack of any attempt by the promoter to consider the negative impact of the scheme on the AONB tourist industry and on Great Missenden in particular. This is particularly evidenced by the omission of any reference to tourism in the CFA9 section of the Environmental Statement (ES) deposited with the Bill.
18. Your petitioner held two meetings with the promoter of the Bill to emphasise the direct economic, social and environmental interrelationship between Great Missenden and surrounding smaller villages and communities in the AONB, including South Heath, Hyde Heath, Hyde End, Little Missenden and Potter Row, but this evidence is not reflected in the ES. Great Missenden is also linked directly to the much larger community of Prestwood and Heath End (population 8,000), by far the largest community in the Great Missenden Parish Council area, which also includes South Heath.
19. Independent retail businesses in Great Missenden estimate that >50% of their annual turnover comes from visitors to the village including AONB tourists. Your petitioner is concerned that the promoters of the bill have no understanding of why Great Missenden has this concentration of businesses and what impacts the construction of the route and its operation will have on patterns of shopping, access to essential services in the village and on visitor numbers. Evidence from eg past local road improvement projects, demonstrates that the village centre and its businesses are extremely sensitive to the disruptive impact of construction, route diversions and road closures, but none of this is even considered by the promoters of the Bill in the Environmental Statement (ES) deposited with the Bill.

20. Your petitioner requests that the promoters of the bill establish a Great Missenden community fund and that consideration should also be given to a compensation fund for local businesses. There many precedents from other large-scale infrastructure projects including HS1, wind-farms and fracking, where local communities directly impacted by projects determined to be in the "national interest" have benefited, or will benefit, from significant community funds established by the developer. In the case of energy community funds, these are also payable on an annual basis, precisely to compensate local communities for ongoing blight. Your petitioner is concerned that no such discussions or commitments have been made to date by the promoter of the bill, despite attempts to raise this issue with representatives of the promoter of the bill during both the community forum and bilateral meetings process.
21. Your petitioner is concerned that the ES fails to recognise the particular importance and sensitivity of Great Missenden in the heart of the AONB arising in part from its proximity and ease of accessibility from London and position as an important "gateway" to the AONB and which is recognised by the Chilterns Conservation Board, the statutory body with responsibility for protecting and enhancing the AONB.
22. Your petitioner objects to the negative impact of the promoters' current local route alignment including tunnel portal at historic Mantles wood, surface works, "sustainable placement" areas for spoil, cuttings and green tunnel construction on Great Missenden village and the surrounding AONB, the solution for which is an extended fully bored tunnel.
23. Your petitioner fully supports the need to extend the "Chilterns" tunnel beyond the current portal at Mantles wood for the reasons set out in paragraphs 24-29. Your petitioner would however oppose any attempt by the promoter to move the current AONB surface route alignment from the Mantles wood tunnel portal (proposed since 2011 and consulted upon in both the draft Environmental Statement consultation and the ES) any closer to the villages of Great Missenden and Prestwood because this would have a massive adverse impact on these village communities and their combined population of >10000.
24. One of the consequences of the decision by Ministers and the promoters of the Bill to push HS2 through the widest part of the only AONB on the entire route and then to end the misleadingly named "Chilterns tunnel" in the middle of ancient Mantles wood is that the local road infrastructure including the B485 Great Missenden to Chesham Rd is entirely inappropriate for the demands and timescale of a construction project of this magnitude. This concern also extends to the promoter's reliance on the largely single lane rural A413 as the main construction route in the area.

25. The promoters' commitment to ensure that no construction traffic uses Great Missenden roads south of the A413 must be adhered to throughout the construction phase and the promoter must ensure that this decision is monitored and enforced properly. Your petitioner is concerned that no consideration has been given to protect the village from an increase in vehicles seeking alternative local "rat run" routes to avoid construction traffic. The Nominated Undertaker must work closely with Bucks County Council to agree a plan to minimise this impact on the village of Great Missenden and to ensure that it is implemented fully and at all times.
26. Your petitioner believes that the only practicable solution to the noise, transport, local economy, environmental destruction and other negative impacts of the scheme will be an extended fully bored tunnel. The promoter has acknowledged in the ES that a fully bored AONB tunnel would have the most potential benefit compared to the other tunnel options, avoiding both unnecessary environmental destruction including at ancient Mantles wood, and end the more than four year blight of residents in Great Missenden ward and neighbouring wards. This would minimise, but not eliminate altogether the direct impact to the AONB and its residents, as the promoter has accepted.
27. Your petitioner is concerned that whilst all extended tunnel options have been rejected by the promoter on grounds of "cost," the Promoter declines to disclose any details of its calculations. Your Petitioner is thus deprived on any opportunity effectively to assess and/or to challenge the validity of the Promoter's rejection. Furthermore, your Petitioner fears that the value of the avoided social, environmental, health, economic and community impacts of replacing the current preferred route with a full AONB tunnel have not been calculated or even acknowledged as a legitimate consideration, as part of this Bill process.
28. Your petitioner believes that a fully bored AONB tunnel would result in very significant environmental advantages including (but not limited to) minimal disruption to local communities and vital local businesses and services, no loss of jobs and no loss of ancient woodland or protected hedgerows, no loss or severance of farmland, no need to close or divert roads and Rights of Way, very significant reduction in noise issues, much reduced impact on wildlife and local biodiversity, limited damage to the tourist economy and amelioration of stress, anxiety and depression among local residents.
29. If the Extended Chiltern Tunnel to the end of the AONB is not granted then your Petitioner proposes that the alternative Extended Chiltern Tunnel to Liberty Lane near Leather Lane is built in place of the above ground construction described in the Hybrid Bill and Environmental Statement.

30. Your petitioner respectfully requests that your honourable House should take the opportunity of examining the proposals for Great Missenden and the central Chilterns section of the AONB to determine whether the proposals are appropriate in the light of their impact in the area. Your Petitioner also invites your honourable House to consider the case for extending the fully bored tunnel northwards from the portal at Mantles Wood and to consider the local economic, environmental and social benefits that would be delivered for Great Missenden, the surrounding towns and villages and the AONB by so doing.
31. Your petitioner further requests that Members of the Committee visit blighted residents of Cudsdens Court and other properties in neighbouring Frith Hill and Chesham Rd, and that the committee also visits the village of Great Missenden, before reaching a decision on the extended tunnel issue.

YOUR PETITIONER THEREFORE HUMBLY PRAYS

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

AND YOUR PETITIONER will ever pray, &c.

Signature of Petitioner

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(LONDON-WEST MIDLANDS)
BILL

PETITION OF
CLLR SEB BERRY (Great Missenden Ward,
Chiltern District Council)

AGAINST, By Counsel, &c.

CLLR Seb Berry