IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

1012

HIGH SPEED RAIL (LONDON TO 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 Right Honourable Cheryl Gillan MP and The Right Honourable David Lidington MP

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, Mrs Secretary May, Secretary Vince Cable, Mr Secretary Duncan Smith, Mr Secretary Pickles, Mr Secretary Paterson, Mr Secretary 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 and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker"). Further works are also detailed in Clause 2 and Schedule 2 of the Bill. Clause 47 enables the compulsory acquisition of land for regeneration or relocation that extends beyond the works in Schedules 1, Clause 2 and Schedule 2.

7. Your Petitioners are the Members of Parliament for Chesham and Amersham and Aylesbury (hereinafter referred to as 'the Petitioners') and both have constituency offices within the area that will be affected by the Bill. Your Petitioners hold weekly surgeries which draw individuals from across the constituency to access the assistance and interventions of their elected MP. A significant number of your Petitioners' constituents are persons who live in properties which will be compulsorily acquired, or if not being compulsorily acquired, are located within close proximity of the high speed railway and associated construction sites and will therefore be injuriously affected by the works authorised by the Bill to which your Petitioners object for the reasons set out below. Your Petitioners represent the views of the residents and businesses that are affected by the Bill. Over the past 4 years HS2 has been the single biggest issue of concern raised by constituents in your Petitioners' constituencies. By way of example, your Petitioner the Rt Hon. David Lidington MP has been contacted by 1846 individual constituents raising concerns about HS2.

8. Your Petitioners are directly and specially affected by the works proposed by the Bill as both Petitioners need to access their constituency offices and will be injuriously affected due to increased traffic on local roads which will cause delays to journeys. Your Petitioners are required, as part of their jobs, to visit their constituencies regularly and both do so approximately once a week. Your Petitioners have busy schedules when in their constituencies requiring a large amount of driving to various appointments, often from one end of the constituency to the other. During the construction of HS2 your Petitioners would be required to cross the HS2 trace to get from one appointment to another (often with little time between appointments). Due to road closures, delays and diversions during construction, the time taken to get from one appointment to another would be likely to take significantly longer having a negative effect on your Petitioners ability to do their jobs effectively with the likelihood that appointments would have to be reduced or your Petitioners would not arrive on time.

9. Your Petitioners also use and enjoy the Chilterns Area of Outstanding Natural Beauty which will be permanently and forever blighted by HS2. Your Petitioners respectfully request that they be heard by the select committee which considers the Bill, both as a private citizen and as a Member of Parliament representing the views of their constituents.

10. Your Petitioners object to all the impacts of the surface works and operation of the railway within the Chilterns Area of Outstanding Natural Beauty (AONB), in particular the works [(2/1 and 2/9 to 2/33), the land acquisition and its designated uses, the highways and electrification changes, as listed in Schedule 1, 3, 4 and 5 of the Bill, and in the parishes of Chalfont St Peter, Chalfont St Giles, Amersham, Little Missenden, Great Missenden, The Lee and Wendover including the settlements of Wendover Dean, Dunsmore, London Road in the parish of Wendover and the village of Wendover.

11. **Issue: building a high speed railway in the AONB**

There are a great number of issues of concern to your Petitioners that arise from the works set out in the Bill and a great deal of irreversible damage and destruction will be caused to the protected Chilterns AONB and the daily lives of a great number of constituents will be severely adversely affected as a result of the Bill. The Chilterns AONB is a statutorily protected landscape under Section 85 of the Countryside and Rights of Way Act 2000 and is further protected under the National Planning Policy Framework and the European Landscape Convention. AONBs are areas which are of high scenic quality which are protected in order to conserve and enhance the natural beauty of their landscape. The Chilterns AONB is the only AONB on the entire route of HS2 (Phase 1 and Phase 2). HS2 bisects the AONB at its widest part. Between Mantles Wood and Wendover the proposed route is on the surface for 10km and includes sections in shallow cuttings, on two 500m long viaducts, on embankments and in two cut and cover ("green") tunnels. The part of the line which runs above ground runs through some of the most tranquil parts of the AONB running through rural areas, small villages and hamlets. Less than half of the AONB is currently in a bored tunnel. As well as the damage to the environment, the current plans will cause significant destruction and disruption to the communities of South Heath, Hyde Heath, Hyde End and Potter Row (some 500 households), the town of Wendover with a population of c.7399 and the villages of Wendover Dean and Dunsmore. Three ancient woodlands will be destroyed (comprising 9.3 hectares and 25% of all the ancient woodland on the entire Phase 1 route) and, illogically, the current proposed bored tunnel emerges in the middle of Mantles Wood – an ancient woodland. Numerous public rights of way will be severed, many hedgerows (including "historically important" hedgerows as highlighted in the Environmental Statement) will be lost or fragmented and wildlife habitats broken up. There will also be a large spoil dump within the AONB at Hunts Green Farm, referred to as a "Sustainable Placement Area" where 1.9MT of spoil is to be left in the AONB.

9.2 The AONB receives over 50 million visits per year with the significant revenue that this brings and is the largest area of unspoilt countryside closest to London left in the South East of England. The value of the AONB is in the region of £500million to £700million. The value of the damage to this national asset as a result of the construction and operation of HS2 through it will be enormous. The operation and construction of HS2 will have severe adverse effects on the social, environmental and economic cohesion of the communities in the area and will permanently and seriously reduce the ability of residents and visitors to enjoy the natural benefits of the AONB. Your Petitioners are concerned about the detrimental effect on the economy in their constituencies as the proposed construction and operation of HS2 will impact the tourist trade, in particular through lower numbers of people coming to visit and enjoy the AONB with the associated reduction in trade for local shops, restaurants and businesses.

9.3 The single biggest issue raised in the 21,833 responses to the Environmental Statement Consultation was the issue of damage to the AONB and over 8,000 responses asked for better environmental protection for the AONB by way of a longer bored tunnel. Currently less than half of the AONB is in a deep bore tunnel. Natural England – the government's advisors on protected landscapes stated that: "*Natural England considers that the significance of landscape effects associated with the Proposed Scheme on the Chilterns AONB is greater than that which is described 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*". Natural England also concluded in its ES consultation response that "*It would seem, therefore,*

that an extended bored tunnel could provide the most effective means of mitigating the landscape and visual effects on the AONB".

12. **Proposed remedy: an extended bored tunnel through the AONB**

12.1 Better protection of the AONB and environmental mitigation can be addressed by your Petitioners' request for an extended bored tunnel through the whole of the AONB which would give the AONB the protection it deserves and to which it should be entitled under CROW. There are currently two extended bored tunnel options which your Petitioners support:

- The green tunnel route proposal put forward by Chiltern District Council in association with Aylesbury Vale District Council, Buckinghamshire County Council and the Chilterns Conservation Board set out in a report by Peter Brett Associates would provide the greatest environmental protection to the AONB. It should be noted that, in addition to providing the best environmental mitigation, this tunnel option also helps to mitigate the operational impact of HS2 on the settlements of Wendover and Stoke Mandeville, South Heath, Hyde Heath, Hyde End and other surrounding hamlets.

- If this is not accepted by Parliament the alternative bored tunnel extension put forward by Chiltern Ridges Action Group (CRAG) referred to in the Environmental Statement as the CRAG T2 (and accepted by HS2 Ltd and DfT as being engineeringly feasible and environmentally preferable) would also address the majority of issues. It would be important to ensure that the village of Stoke Mandeville did not suffer any additional adverse effects from the location of the northern portal of an extended tunnel.

- Your Petitioners contend that a longer bored tunnel throughout the AONB would be a cost effective way of avoiding long term environmental damage and severe construction disruption as without it there will be a large number of issues (addressed more fully in your Petitioners' individual petitions relating to their individual constituencies but including property compensation costs, noise mitigation and issues of spoil removal) which will otherwise need to be addressed in your Petitioners' constituencies at considerable cost but with a less satisfactory environmental outcome.

YOUR PETITIONERS THEREFORE HUMBLY PRAY 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 such of the clauses and provisions of the Bill as affect the property, rights and interests of your Petitioners 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c

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