

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

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 Governing Body of Lee Common Church of England School

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, 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 the board of governors of Lee Common Church of England School (hereinafter called “the School”). The School is an infant school catering for children between the ages of 4 and 7 and is located in Oxford Street, Lee Common, Great Missenden, Buckinghamshire HP16 9JH within the Chilterns Area of Outstanding Natural Beauty (AONB) and will be under 1km away from the HS2 proposed route. The school has 58 pupils currently on roll with 11 staff. School hours are 8.45am to 3pm. At its last OFSTED inspection the School was graded Good. After finishing year 2 at the School, the majority of children attend Great Missenden CE Combined School. Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
8. Your Petitioner is concerned that the construction and operation of the high speed railway and associated development through the Central Chilterns Area and particularly around South Heath, Potter Row, Leather Lane, Kings Lane and Frith Hill (the main catchment area for the School) pose a risk to the education of and health and safety of the children attending Lee Common School. The current plans for HS2 mean school life will be significantly disrupted due to construction work taking place in close proximity to the school and road closures in the surrounding villages and hamlets which form part of the main catchment area for the School. The current tranquil rural location of the school will be permanently altered following construction of the line. During construction the following local roads will be used as construction routes – Potter Row, Kings Lane, the B485 Chesham Road and the A413, which will significantly disrupt the journeys of both children and staff coming to school. Frith Hill – the main road to connect Lee Common to the larger village of Great Missenden – will be closed for a period of 2 years. The alternative connecting route to Great Missenden – Leather Lane - will be permanently closed severing access to Great Missenden. A large number of pupils have siblings at Great Missenden and parents need to travel between Lee Common School and Great Missenden twice a day to pick up and drop off children at both schools and this will become very difficult causing delay and disruption. As a result of the School’s proximity to the proposed route including to the Sustainable Placement Area at Hunts Green, the School will be subject to noise and vibration from construction and construction traffic and dust for a period of up to 8 years. Once the proposed line is operational the School will suffer from noise from the line – with trains every one to two minutes – seriously disrupting the children’s learning. This will significantly impact upon the quiet enjoyment of the School and the neighbourhood by way of noise, disturbance, loss of tranquillity, visual intrusion and traffic disturbances. This is particularly the case where outdoor activities are concerned.
9. **Proposed solution – extended tunnelling**

Your Petitioner requests that the route alignment be changed to address these problems. In particular your petitioner requests the Bill be amended to require:

 1. The construction of a fully bored tunnel through the whole of the AONB section of the proposed line in accordance with the green route proposals put forward

by Chiltern District Council, Aylesbury Vale District Council, Bucks County Council and the Chiltern Conservation Board.

2. In the event such proposals are not accepted your petitioner submits that the CRAG T2 proposals, which have been referred to in the Environmental Statement as both engineeringly feasible and environmentally preferable be adopted.
 3. If neither longer tunnel is accepted, your Petitioner submits that the proposals for a tunnel through South Heath from Mantles Wood to Leather Lane put forward by Residents Environmental Protection Association (REPA) and included in the Environmental Statement and referred to as the South Heath Chilterns Tunnel Extension (SHCTE) should be adopted.
 4. If none of the above tunnelling proposals are accepted your Petitioner submits that the entire section of the route between Mantles Wood and Wendover Dene be altered to reflect the alignment published in the 2011 consultation on high speed rail, which was a far deeper cutting.
10. Your Petitioner submits that the tunnel proposals referred to above would substantially remove the adverse effects complained of in the remainder of this petition and the need for the proposed remedies otherwise required. Your Petitioner requests that if all of the proposals for a longer tunnel throughout the AONB and the lowering of the route alignment are rejected, then the following mitigation measures should be adopted and implemented.

11. **Issue: Construction traffic and road closures**

Your Petitioner is very concerned about the impact of construction traffic through the catchment area of the school and along the routes which both children and staff use to access the School. The construction phase of the route around South Heath and Potter Row is estimated to take up to 8 years with road closures and delays which will cause difficulties for children and staff in getting to school and your Petitioner is concerned about the effects this will have on both attendance and numbers on roll as parents may be put off from choosing Lee Common School due to accessibility concerns. There may also be an issue in relation to retention and recruitment of staff who may find it difficult to get to the school. Your Petitioner is also concerned about the health and safety implications of hundreds of HGV movements on the local roads, most of which are unsuitable for use by construction vehicles due to their narrow width and lack of pavements. In many places it is difficult for 2 cars to pass each other and the use by HGVs will cause delays and inconvenience for all users and many of these roads are also school bus routes. There will also be a safety issue for pupils walking or cycling to school. Staff and pupils travel from all over the surrounding area and many of these places will be "severed" by the HS2 trace and construction works – this will particularly affect pupils and staff travelling from Great Missenden, Prestwood, Wendover and Aylesbury and those parents with children at both Lee Common School and the local junior school Great Missenden C of E Combined School.

12. **Proposed remedy**

In the event that the remedies proposed in paragraph 9 above are not approved by Parliament, your Petitioner requests that in order to prevent the disruption and safety issues from construction, that the following mitigation be implemented:

- Construction routes in the area should avoid as far as possible the use of rural lanes such as Potter Row and Kings Lane and instead construction traffic should be routed via an alternative construction route which would run directly from the HS2 trace to the A413 thereby avoiding the use of and disruption to Potter Row, Kings Lane and Frith Hill. The alignment and design of any alternative route must be agreed with the local community and the local highways authority in order to minimise landtake and ensure it is appropriate for the location. When the road is no longer required for construction traffic your Petitioner requests that it should be reinstated to former land use.
- The nominated undertaker makes a binding commitment to school health and safety training for the construction and operation of the high speed railway and associated development including agreeing a travel plan with the local authority for children attending school to ensure continued access to education facilities in a safe manner.
- A temporary overbridge should be constructed over the HS2 trace to allow access via Frith Hill to Great Missenden. Currently it is proposed that this road be closed for a period of 2 years causing disruption to parents travelling from Lee Common to Great Missenden.
- The hours for the movement of construction traffic should be prohibited between 07.30 to 09.00 and 15:00 to 17:00 Monday to Friday and there should be limits on the number of vehicle movements and limits on the size of vehicles allowed to use local roads to ensure that disruption is minimised.
- Traffic management plans should be agreed between the nominated undertaker, the local authority and the relevant highway authority to be monitored and enforced by environmental health officers employed by the local authority.

13. **Issue: Waste, dust and air quality**

Your Petitioner is concerned that the “sustainable placement” of 1,000,000 cubic metres of spoil from the HS2 trace at Hunts Green Farm, in the catchment area of the School will impact the air quality in the area and in addition that it is wholly inappropriate that the existing landform should be altered in such a way within the designated protected area of the AONB. Your Petitioner is also concerned about the dust levels from construction and the additional emissions from construction traffic and the effect this will have on the air quality and the associated adverse impacts on children’s learning.

14. **Proposed remedy**

An extension of the fully bored tunnel throughout the AONB would remove the need for this “sustainable placement area” of spoil and would remove concerns about air quality and disruption from the dumping of spoil and construction traffic. If Parliament do not approve an extension of the bored tunnel your Petitioner requests that excavated material is removed from the HS2 trace by road to the A413 and then removed by rail

and disposed of out of the AONB in consultation with relevant local planning authorities. Areas where spoil and other dust producing materials are stored should be covered over to minimise dust being blown around the area. A dedicated Environmental Health Officer should be appointed by the local authority who can liaise with the school to ensure that emissions levels are monitored around the School and if levels rise above acceptable levels can negotiate with the contractors to reduce levels. Such officer should also have the ability to enforce compliance.

15. Issue: Noise and vibration

Your Petitioner is concerned about the effects of noise and vibration and their impacts on pupils' learning both during construction and operation of the railway. There are particular concerns for those pupils living in South Heath and Potter Row areas (one of the main catchment areas for the school) where around 100 households are highlighted as being adversely affected by both construction noise and operational noise.

16. Proposed remedy

An extension of the fully bored tunnel as described at 9 above would remove all of the concerns about noise. In the event that Parliament do not approve this solution the following measures should be implemented:

- An effective noise monitoring and mitigation system should be put in place before commencement and during construction and operation of HS2 and associated development.
- The binding monitoring and mitigation measures should be decided by a panel of independent experts on the basis of independent expert evidence. The House of Commons Environmental Audit Committee Report dated 7 April 2014 recommended an independent body to monitor and publicly report on all aspects of environmental protection needed for 60 years. The trigger levels at which point noise mitigation becomes necessary should reflect prevailing World Health Organisation guidance.
- Acceptable noise levels should be confirmed in a section 61 agreement between HS2 Ltd and the local authority. There should be strict penalties for breach of any section 61 agreement.

17. Issue: Code of Construction Practice

Your Petitioner is concerned that the Code of Construction Practice is to be implemented by the nominated undertaker appointed by HS2 Ltd and that if the construction process is handled badly the impact on the School, the health and safety of its pupils and concerns around traffic disruption will be even more severe. The Code of Construction Practice is not binding and there are no rights to hold HS2 Ltd to account should the Code not be complied with.

18. Proposed remedy

Your Petitioner proposes the following be implemented:

- The Code of Construction Practice should be incorporated into the HS2 Hybrid Bill. Parliament and not the nominated undertaker should be accountable for the

project. Any monitoring required under the Code of Construction Practice should involve the local authority as well as independent experts.

- The standards set out in the environmental statement and the Code of Construction Practice is of “reasonableness” and “reasonable endeavours”. Your Petitioner submits that this should be replaced by a higher standard such as “best practical means” and the measures should be agreed with the local authority and Community Forum Area. Measures should be subject to independent assessment and be verifiable and challengeable.
- Clear and easy to follow enforcement mechanisms for local communities and local authorities should be included in the Bill. This will provide a commitment to rectify or compensate for environmental impacts. This could be achieved by funding being made available to District Councils to appoint Environmental Health Officers (EHOs) tasked with ensuring that the contractor complies with the Code of Construction Practice and with the ability to enforce sanctions and/or stop operations if it does not. A Parliamentary Ombudsman should hear cases where communities and the nominated undertaker are in dispute.
- The Code of Construction Practice should be amended to include independent monitoring of working hours so that communities are not left vulnerable to a wide variety of works taking place 24 hours a day over prolonged periods.
- The Code of Construction Practice should provide that construction activities to be carried out outside core hours (other than tunnelling works) should be agreed with the local authority in advance of the works and applications should be made 14 days in advance and the works specified in detail. Bank holiday working hours should be the same as Saturdays.

19. Issue: Community impacts

There are a number of severe adverse impacts on communities within the catchment of Lee Common School – in particular the village of South Heath and the houses on Potter Row. The Environmental Statement stated this would have “*a major adverse effect on residential amenity and this is considered significant*”. The Environmental Statement also highlights the isolation effects of the HS2 plans on the villages of South Heath, Ballinger, Lee Common and The Lee (all within the catchment of the School). Your Petitioner is concerned that this will disrupt and negatively affect the lives of children attending the School and their families for prolonged periods of time affecting much of their childhood with the associated negative impact on learning.

20. Proposed remedy

An extension of the fully bored tunnel through the AONB as referred to in paragraph 9 above would solve the issues referred to above. In the event that Parliament does not agree to this, further detailed assessment should be carried out to assess the health and socio economic impacts on communities of the proposed construction and operation of HS2 and an assessment of what can be done to assist affected communities. For example a dedicated community fund to assist the School and surrounding communities in dealing with these issues.

21. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
22. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
23. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER 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 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

SIG

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013- 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF the Governing Body of Lee Common Church of England School

AGAINST, By counsel, &c