

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-2014

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – Praying to be heard By Counsel.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of Ms S.J Goldsborough and Dr P.B Harper of 5 Cudsdens Court, Great Missenden, Bucks HP16 0QX

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.

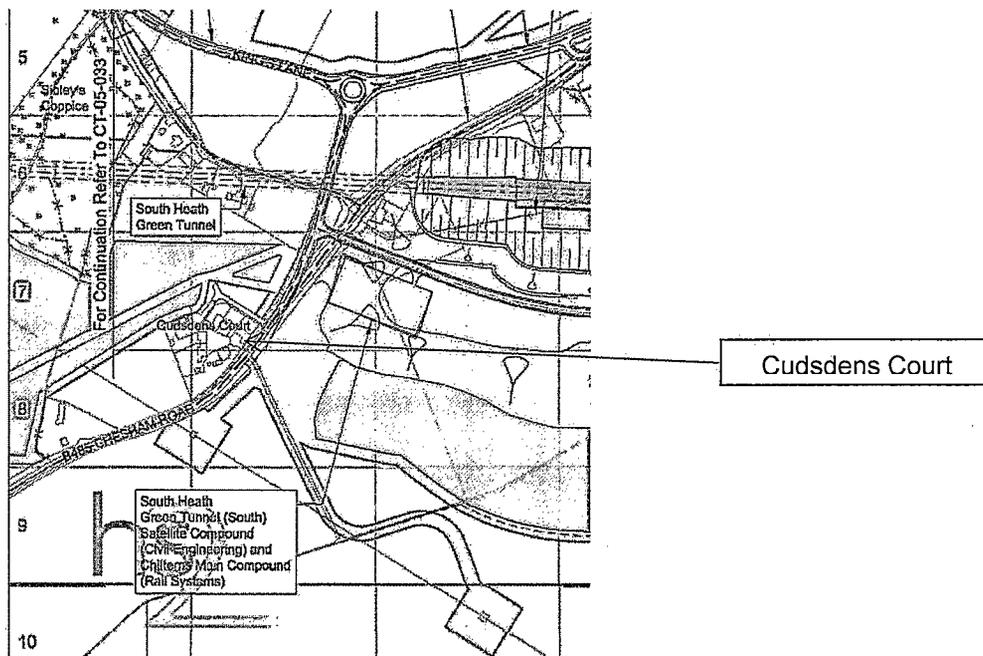
Who we are ?

7. Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
8. Your Petitioners are a resident of the hamlet known as Cudsdens Court. Cudsdens Court comprises just six dwellings. Each dwelling owns a share of freehold to the communal areas and is a shareholder in the management company. It is worth noting that Cudsdens Court has a Grade II listed granary within the curtilage of number 6 (The Farmhouse) – this is wrongly listed in the ES as being at Cudsdens Farm (which no longer exists but was the name of the farm prior to conversion to Cudsdens Court). Additionally, when converted from a farm to residential barn / farm development Chiltern District Council placed restrictive conditions on any further development of Cudsdens Court and that the area to north-east should remain agricultural use. The reason being to ensure the external appearance was not detrimental to the character of the locality.
9. Cudsdens Court is a small rural community permanently and forever blighted by HS2. It has twelve individuals and five children who live in an isolated rural hamlet in proximity to, but well outside the village envelope of South Heath. It is situated at one of the highest points in the Chiltern Hills, which adds to its sense of isolation.
10. The households living at Cudsdens Court represent significant diversity ranging from an accomplished make-up artist, electrician, business people, two adults with disabilities and a retired couple. All share a passion for the Chilterns' Area of Outstanding Natural Beauty (AONB) and the tranquillity of living in a rural hamlet.
11. South Heath was singled out in the ES as the only place in Bucks to suffer significant community-wide adverse effects and Cudsdens Court is specifically mentioned in the ES.
12. Your petitioners objects to all the impacts of the surface works and operation of the railway within the Chilterns' AONB between Mantles Wood to Leather Lane, in particular to the works (2/1, and 2/13 to 2/21), the land acquisition and its designated uses, the highways and electrification changes, as listed in Schedule 1, 3, 4 and 5 of the Bill, in the parishes of Little Missenden, Great Missenden, Chartridge and the Lee, and the clauses of the Bill which would authorise these works, acquisitions, land uses and changes.

Your Petitioners requests that HS2 includes Cudsdens Court in the Voluntary Purchase Compensation Scheme

13. Your petitioners believes that the impacts of the construction of HS2 on Cudsdens Court are of such magnitude, when taken as a whole, that the adverse effects would be of such severity that it would not be possible for your petitioners to reasonably live in Cudsdens Court, nor would be possible to conduct a normal way of life, during the construction phase. The construction impacts in close proximity to Cudsdens Court are scheduled to last 7.75 years .
14. The most devastating impact is on **5 Cudsdens Court** due to the proximity of this dwelling to
 - the road re-alignment, the safeguarded area surrounds No 5, construction traffic will pass closest to No5
 - the safeguarded area borders No5

- closest to the tunnel entrance
 - closest to the spoil heap and the dust from this
 - closest to the materials martialling and vehicle maintenance/storage area with associated noise and light pollution
15. Cudsdens Court lies just 122 metres from the centre of the new HS2 line and only 180 metres from a tunnel entrance. The six dwellings that comprise the Cudsdens Court hamlet lie between 145 and 175 meters from the centre of the line.
 16. Your petitioner contests that Cudsdens Court is in a unique situation where distance from the line, which defines access to the Voluntary Purchase compensation scheme, is not appropriate in the case of Cudsdens Court as the construction impact bears little relation to the line itself. The safeguarded area stretches well beyond 120 metres from the line alongside three sides of the curtilage of Cudsdens Court.
 17. Furthermore, a significant part of Cudsdens Court drive and gardens have been safeguarded for construction, as part of the re-alignment of the B485, yet Cudsdens Court is excluded from the VPZ
 18. Cudsdens Court is uniquely and disproportionately affected by the construction phase. Map CT-05-032 (a part of which is shown below) shows the construction impacts surround and consume Cudsdens Court creating a community which is severed from the surrounding community.



19. The specific impacts are
 - 19.1. **Dust.** The creation of a material stockpiles (spoil heaps) to a height of 5 metres to the front and back of the property. The northern spoil heap stretches across two sides of the curtilage of Cudsdens Court and is located just 10 metres from the boundary and <20 metres from the nearest dwelling. The other, located to the south, is of enormous scale (500 metre long by 115 metres wide) and situated in a most exposed position and subject to the prevailing wind blowing dust directly onto Cudsdens Court. To the east of Cudsdens Court is the construction of the green tunnel, a main construction compound and tunnel entrance portal. HS2's Environmental Survey (Volume-5/air-quality/Vol5_CFA9) classifies the impact

of earthworks, construction and haul route in the "High" Dust Emission Class and states the dust risk category is "Large". Your petitioner believes that the elevated position of Cudsdens Court, and its near continuous strong winds, will result in widespread detrimental air quality / dust from almost every direction.

- 19.2. **Health.** Your petitioners believe that the health of the residents of Cudsdens Court will be affected by the poor air quality. One household has two children, of primary school age, who both suffer from Asthma.
- 19.3. **B485 Re-alignment.** Cudsdens Court is situated in close proximity to the B485 with closest dwelling only a couple of metres from the road itself. The roadworks associated with the re-alignment of the B485 stretches some 200 metres from the line i.e. overlaps the curtilage of Cudsdens Court. Furthermore, HS2 has safeguarded a sizeable part of the driveway and gardens of Cudsdens Court as part of the road re-alignment. Presumably traffic management will further add to lines of queuing traffic adjacent to Cudsdens Court
- 19.4. **Road Safety.** Your petitioner contests that the proposed re-alignment of the B485 will make the entrance / exit to Cudsdens Court highly dangerous. This situation was recognised when the barn conversion took place in 1999 and the entrance moved as far from the blind corner as possible. However, entrance / exit to Cudsdens Court remains in close proximity to a blind corner (approx. 50 metres to the south west) with a 60mph speed limit. Exiting the drive today is a hairy experience (all residents have experienced near misses) but mitigated by a clear view the opposite way. The proposal road re-alignment makes the situation far worse by making the angle of the blind corner more acute, moving the position of the drive and changing the visibility of approaching angle of traffic coming from the opposite direction. HS2's photomontage (figure number LV-01-040 in MB9_VOL2_CFA09) clearly illustrates the issue. In the baseline, the driveway to Cudsdens Court is clearly visible on the left hand side (by the telegraph pole) but in the 2026 view the drive is completely obscured. Whilst HS2 state that the road re-alignment complies with highway standards no specific safety assessment has been provided by HS2 and it is unclear whether the design has been assessed by appropriate site surveys or as a desk exercise. Your petitioner requests that an alternative road re-alignment should look to improve the road safety for Cudsdens Court rather than the opposite.
- 19.5. **Access to Cudsdens Court.** During the construction period of 8 years, the B485 will have significant additional traffic, including heavy goods vehicles crossing the B485, as well as traffic management controls in place for the road re-alignment. Given the likely traffic delays as a result of the roadworks it is unclear how the residents of Cudsdens Court will be able to gain free access to Cudsdens Court. Of the twelve individuals in Cudsdens Court, ten are working and need free access to get to their respective work locations. Three of the six dwellings have children all of whom need access to schools ranging in location from Great Missenden, Amersham, Hyde Heath and Aylesbury. For example, one family has children at school in Amersham and regularly makes six journeys to and from Amersham each day for schooling and extra-curricular activities.
- 19.6. **Noise and Light pollution.** A main construction compound is located less than 50 metres from Cudsdens Court. The operation of this compound will have detrimental impact on Cudsdens Court with excessive noise and light especially at night. The B485 will carry significant levels heavy vehicles per day past Cudsdens Court and the haul routes for spoil immediately surround Cudsdens Court.
- 19.7. **Isolation.** Currently, residents of Cudsdens Court are able to walk freely across the fields surrounding the hamlet in almost all directions with long standing arrangements with

farmers rather than using formal PRoW's. The community of South Heath, Hyde Heath and Great Missenden can be reached by foot across fields and woodland. However, during the construction phase it will be impossible to leave Cudsdens Court on foot. All the land surrounding Cudsdens Court will be blocked off from construction of the green tunnel, road re-alignment, construction depot, access roads to the electricity pylons or spoil heaps, as well as extensive heavy vehicle movements on the B485 and long haul routes. The hamlet of Cudsdens Court will have all its links severed and we will become effective prisoners in our own homes.

19.8. **Property blight.** Your petitioners can demonstrate that the dwellings of Cudsdens Court are subject to property blight of a scale that makes them unsaleable. Two of the six properties have been for sale with no offer being made. One has been on the market for 18 months without a single viewing despite being marketed well below market value. The extent of the blight is not in doubt as one property is close to purchase by HS2 under the EHS scheme and another has been accepted by HS2 for purchase. This leaves just four petitioners remaining excluded from the property compensation. This is a cause of very great anxiety and stress to remaining petitioners who have good reasons to want to move home but are trapped.

20. In summary, your petitioners submit that Cudsdens Court is in a unique situation where the construction zone surrounds and requires land from this isolated rural hamlet and that the impacts are so injurious that the whole of Cudsdens Court should be included in the Voluntary Purchase Compensation Scheme. The compensation arrangements, by referencing the line alone, were put in place at the outset of the HS2 some 4 years ago. Specific arrangements have not been developed along with the development of detailed project plans and in particular ignore specific construction impacts. When Patrick McLoughlin said in his Press Release of 9th April 2014 "I completely understand the concerns and anxieties of those living near the line and **it is only right that those people are properly looked after**" your petitioner believes that Cudsdens Court is included in this intent yet the crude and simplistic approach to the compensation delineated from the line has in this instance failed to take account of the specific situation of Cudsdens Court. Given the level of blight and the major impact of the works on the location and the residents and the loss in value of our properties, the proposed payment of £22,500 is wholly inadequate

21. If Parliament does not agree to include Cudsdens Court in the Voluntary Purchase compensation scheme then your petitioners are of the view that no mitigations can ameliorate the injurious nature of the Proposer's scheme. However, certain actions could be taken that would mitigate some of the worst impact. The alternative of boring a tunnel through the area of outstanding natural beauty will add substantially to the cost of the project, meaning that the inclusion of Cudsdens Court in the VPZ would present a saving over alternative mitigations.

22. The following tabulates issues that arise with the preparation and construction of HS2 that have what the ES terms a "temporary", albeit extensive, adverse effect on Cudsdens Court and the appropriate mitigations to contain the worst impacts on Cudsdens Court:

Adverse issue	Required mitigation
<p>Noise: Noise is likely to affect Cudsdens Court considerably close with proximity to B485 being used for construction traffic which is considerably more intrusive than current light vehicle use</p> <p>The construction traffic also extends all</p>	<p>Work should be restricted to a typical working day (e.g. 37.5 hour week)</p> <p>Evening and weekend work should be precluded</p> <p>Deliveries to the main construction compound should be precluded outside of normal working hours (9 -5 pm</p>

<p>around Cudsdens Court to access the spoil heaps which will exacerbate the issue.</p> <p>The Main Construction Compound is just 50 metres from Cudsdens Court</p>	<p>Monday to Friday)</p> <p>Levels of noise limits should be set to reflect the needs to vulnerable people including children and set at WHO levels</p> <p>Independent funding should be provided to monitor compliance of noise levels at Cudsdens Court</p> <p>Powers should be given to the Local Authority to suspend works if limits are exceeded and infringement of levels or permitted hours should carry punitive compensation to residents</p> <p>The Main Construction Compound, close to Cudsdens Court, should be relocated to be not less than 200m from the curtilage of Cudsdens Court.</p> <p>Relocate the South Heath green tunnel entrance further from the B485 thus alleviating the need for B485 re-alignment</p> <p>Relocate the access road connecting the southern tunnel portal to B485 to the North East side of the line where it will impact fewer properties</p>
<p>Road congestion:</p>	<p>Remove construction traffic using the trace from B485 by building a temporary bridge / underpass</p> <p>Ban the use of traffic lights on B485 during the construction period</p> <p>Re-alignment of B485 with A413 at bottom of Frith Hill to increase capacity. Introduce traffic lights on roundabout to improve / manage traffic flows resulting from increased traffic levels on B485</p> <p>Set a 5 minute limit for waiting time for residents to access Cudsdens Court from either direction on the B485</p> <p>Take measures to reduce construction traffic impacts e.g. ban of deliveries at night and at peak daytime hours; a park and ride scheme for workers; construction traffic to only uses trace</p>
<p>Construction traffic emissions: Earth moving equipment and heavy haulage will emit pollutants to the detriment of residents</p>	<p>Move location of spoil heaps and restrict the proximity of LGV's & HGV's to Cudsdens Court when accessing spoil heaps</p> <p>Authority to be funded to monitor and enforce high standards that limit emissions</p>

<p>Spoil: Temporary spoil storage is sited to be adjacent to Cudsdens Court (less than 20 metres from dwellings)</p> <p>Dust, dirt and run-off from the temporary spoil heaps constitute a nuisance and health hazard.</p> <p>Dust potentially dramatically affects the quality of life, limiting the usability of exterior spaces, and depositing detritus on the exterior of properties, on washing etc.</p> <p>Deposit on local roads of spoil from transportation to and from temporary storage will make road services dangerous</p> <p>No provision to restore temporary spoil sites or construction sites to their previous condition</p>	<p>The temporary spoil heaps should be relocated such that they are not within 200m of the curtilage of Cudsdens Court</p> <p>Temporary spoil heaps to be covered</p> <p>Maximum dust exposure limits to be specified, monitored and enforced by the Local Authority – paid for by the Promoter.</p> <p>The Promoter should be responsible for the costs of cleaning the exterior of properties, including exterior living space such as patios, at frequent regular intervals (e.g. every 3 months)</p> <p>The Promoter should pay punitive compensation for contravention of limits</p> <p>All haulage vehicles to be cleaned off before joining a public road</p> <p>Full restoration should be required by the bill</p>
<p>Visual blight Cudsdens Court is surrounded by agricultural fields and has unrestricted views of fields for many miles.</p> <p>The proposals for landscaping, especially metal fencing along the B485 & along the elevated access road opposite the curtilage of show a forest of metal. This can be viewed in the Photomontage figure number LV-01-040 in MB9_VOL2_CFA09.</p> <p>No provision is made in the ES to restore the South Heath green tunnel south portal into the landscape and provide visual screening</p>	<p>The Promoters should adopt more appropriate restoration of the current landscape including replanting hedgerows along the full length of the re-aligned B485 and should use traditional wooden fencing.</p> <p>The elevated landscaped earthworks to the south-west of the access road should be planted with native scrub / woodland rather than being grassed to hide the elevated access road</p> <p>Best endeavours should be required by the bill to restore the entire area surrounding the green tunnel portal to retain the character of the area</p>

23. YOUR PETITIONERS 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 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 Petitioner in the premises as your Honourable House shall deem meet.

Other issues

24. The petitioners have been trying to move for the last 4 years but blight to% Cudsdens Court has prevented such action. The consequences are:

- We are unable to put into place retirement plans since Dr Harper became of pensionable age 3 years ago.
- Ms Goldsborough's Mother is significantly disabled with respiratory disease, cardiac problems, management of recovery/monitoring arising from surgery for bowel and skin cancer and sundry minor ailments associated with a person of 86 years of age. She lives alone in a large and unmanageable house in North Yorkshire and his some 400 miles away from her daughter, her primary source of support. It had been our intention to relocate to a level location in an area that was warmer and dryer and to have Mrs Goldsborough Sr move into an annexe. This is supported by her consultant physicians and her GP. It is essential that she be relocated into the care of her family as a matter of urgency. She will become a responsibility of the state and a financial burden with consequent loss of dignity.
- The property cannot be sold despite our best efforts because of these factors,

AND your Petitioners will ever pray, &c.