

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 Ian Terence Culmer and Vanessa Elizabeth Culmer
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.

Your Petitioners

- 7 Your Petitioners are resident in the Chilterns Area of Outstanding Beauty (AONB), w will be directly and specially affected by both the operation and construction of the proposed HS2 line.

- 8 Your Petitioners are Ian Terence Culmer and Vanessa Elizabeth Culmer they are freehold owners and residents of Sunnyside, Keepers Lane, in Hyde Heath. This property is in parish of Little Missenden, and is community of 450 homes, a school a single shop, a pub and, car repair garage, two churches, a village hall and a village green. It is connected via footpaths through Mantles Wood (an extensive ancient woodland) to Little Missenden, Hyde End, South Heath and Great Missenden. It will be permanently blighted by HS2.
- 9 Your Petitioners moved here to live in the AONB 7years ago, in order to enjoy the countryside with its access to footpaths, woods, wildlife and exceptional views. Hyde Heath lies on and to the east of Hyde Heath Road which runs from the B485 at Hyde End towards Amersham. Peace and tranquillity are all a high priority and a key part of daily life.
- 10 Your Petitioners frequently walk the footpaths on the hillside below Hyde Heath to the east. Of the two public rights of way (PROW) that currently pass through Mantles Wood one will be stripped of its rural nature and tranquillity by HS2 (LMI/17/2), the other will be closed (LMI/17/1) . A large swath of Mantles Wood will be devastated by the construction of the tunnel portal and the access facilities.
- 11 Hyde Heath is effectively cut off from Great Missenden by the connecting roads being construction routes. These roads will be used by construction traffic for a total of 7 years. Your Petitioners use Hyde Heath Road and the B485 for accessing Great Missenden several times a day, as this is the direct route. Your petitioners will be forced onto single track lanes to avoid this route. Hyde Heath Road will be a construction route. The A413 which is used to reach the main roads and larger towns such as High Wycombe will also be a construction route. Using Hyde Heath Road to the south towards Amersham and Chesham will be difficult as it will carry excessive traffic from those seeking a way round the construction routes. This will isolate the Petitioner's home from Great Missenden, the A413, Amersham and Chesham, and will create costs of diverting both time and money making daily life difficult.
- 12 Your Petitioners' rights interests and property are injuriously affected by the Bill, to which your Petitioners objects for reasons, amongst others, hereinafter appearing.

Your Petitioner's Concerns

- 13 Your Petitioners are gravely concerned about the effects of road safety Keepers Lane will be used as a short cut in order to avoid the congestion caused by construction traffic. The road is a single track lane with very few passing places. It is only by using this road that one can turn right on to the A413. Keepers Lane is a known and regularly used cycle route. Increased traffic poses a real threat to cyclists and walkers.
- 14 Your Petitioners are concerned about the loss of natural habitats for wildlife and habitat severance as the railway constitutes a barrier. There will also be an unacceptable effect on owls and bats that the ES informs us will be killed within 1.5km of the line. They are also concerned about the effects of air pollution on wildlife.
- 15 Your Petitioners are concerned about the long term damage and permanent injury from visual and acoustic impacts in the AONB of the operation of the line between Mantles Wood and Wendover, and its supporting infrastructure and furniture. The destruction of ancient woodlands (that represents 30% of all the losses to ancient woodlands on the line), the loss of farmland and landscape, the proposed new dump of spoil at Hunts Green Farm, the embankments and viaducts across the valley, the permanent stopping up and re-routing of PROW, all add up to a severe impact on this area of the Chilterns AONB.

- 16 Your Petitioners are concerned that the Promoter of the Bill has ignored the obligations to protect the AONB, and cannot understand how they consider that the proposed surface route of the line for this area meets the requirements to protect and preserve the tranquillity of the area and the beauty of its landscapes. The special qualities of the AONB cause it to be visited over 50 million times a year by visitors from London and other areas. Your petitioners request that changes be made to the Bill to ensure the fullest possible protection of this part of the AONB, both during and after construction, this being a special requirement exclusive to this area. No other part of the line is within the AONB or has the statutory protection afforded to the AONB.
- 17 Your petitioners are concerned about the levels of sound and air pollution that will be created and emitted from the Vent Shafts. This will have a continuing and build up effect.
- 18 Your Petitioners are concerned about the level of exposure to the noise of operations from the footpaths, the lanes in our environment. Noise would severely impact upon the use and enjoyment of homes in our community, as well as on the neighbourhood's general amenity, and open spaces. This and the visual obtrusiveness and loss of natural landscape will severely and permanently reduce the attractiveness of the area and thereby damage an important national asset. Even by year 15 its visual impact will be seen across 20km² of the AONB and its impact will be significant according to the Campaign to Protect Rural England.
- 19 Your Petitioners are concerned that HS2 will give rise to an enormous impact on the quality of life of those in its vicinity. Such matters were not even included in the ES, as the 'Health Impact Assessment' was not part of the ES and not included in the consultation.
- 20 Your Petitioners are concerned about the property blight effects on the value of homes with over 2,500 homes within 1km of the line in the section of the AONB which is not in a bored tunnel. Your Petitioner's home is now permanently blighted and has been since 2010. The blight impacts on the value of their home and their ability to sell. It is causing your Petitioners great anxiety and stress, and the compensation arrangements are wholly inadequate in addressing the problems.
- 21 Your Petitioners are concerned about light pollution and the permanent loss of the nightscape caused by HS2, its maintenance and the proposed lit roundabout at the junction of Kings Lane with the B485. The South Heath community currently has no street lights.
- 22 Your Petitioners are also seriously concerned about the impacts of construction. The resultant dust, noise, hours of work, vibration, traffic movements, congestion and access problems and other implications of the long period of construction will make the Petitioners, lives challenging. Your Petitioners will continue to need to use the narrow lanes and roads which will cross and be affected by the construction of the proposed line particularly for access to Great Missenden and Wendover and Chesham. This will render problematic trips for shopping, recreation, medical services and rail access. The local Accident and Emergency Department is at Stoke Mandeville, beyond Wendover along the A413. Your Petitioners will continue to need to gain access to the A 413. Your Petitioners are concerned about proposals to use the local narrow country lanes for construction vehicles and the effects of construction traffic using the A413 and B485.
- 23 Your Petitioners are gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures and that this will place a further burden on the roads in this community, which are already under pressure. There will be a consequent effect on the businesses of Great Missenden and Chesham in particular that will suffer from loss of custom, due to difficulties of access.

- 24 Your Petitioners are concerned about the effects of noise and vibration, and dust, dirt and air quality and the severe disruption to traffic arising from the construction of the high speed railway and associated development including heavy lorry traffic.
- 25 Your Petitioners are concerned that the nominated undertaker's ongoing accountability is unspecified and that the Code of Construction Practice is inadequate and has no legal status, with no independent means of monitoring and assessing compliance or sanctions for breach.
- 26 Your Petitioners are concerned that the emergency services will be unable to provide timely support due to road congestion, closures and diversions during the construction period.
- 27 Your Petitioners are concerned about the impact of the construction works on the chalk stream of the River Misbourne and the damage to the quality of drinking water supply
- 28 Your petitioners are gravely concerned about the spoil to be excavated and arrangements for movement and storage of spoil. Spoil stores will create pollution and be huge eyesores that are too close to homes that are often downwind – as your Petitioners' is.
- 29 Your Petitioners are concerned that land which is occupied and utilised by contractors during construction will not be cleared and restored after completion to a satisfactory standard for the AONB or in the worst case that it will simply be abandoned by the contractors
- 30 Your Petitioners are also concerned about errors and omissions in the Environmental Statement and matters which your petitioner understands will be clarified or corrected at a later stage and that these may call for further mitigation or remedies to be considered by the Select Committee
- 31 Your Petitioners wish to express concern regarding the poor provision of information supplied by the promoter, including in particular errors and omissions in the Environmental Statement with Plan and profile maps remaining unavailable, and furthermore, supplementary information such as the Code of Construction Practice has remained in draft form.
- 32 Your Petitioners strongly object to the diversions and closure of public rights of way in the area and the reinstatement of some PROWs by making them run alongside the line rather than by new footbridges and is further concerned that, for this section of the AONB, none of these are to be green bridges despite the intentions of the Promoters to build green bridges elsewhere along the route.

Remedies /Mitigation requested

- 33 Your petitioners request that measures be taken and changes be made in the Bill or the Code of Construction Practice or by obtaining binding undertakings from the Promoter to address the various concerns of your Petitioner as listed above.
- 34 Your Petitioners request that the AONB be protected from these effects by amending the Bill so the line passes throughout the AONB in a bored tunnel, as proposed by the Chiltern

Chiltern District Council¹ or by extending the present Chiltern tunnel proposals by adopting the CRAG T2² proposals. The latter is referred to in the Environmental Statement and accepted as both feasible and environmentally preferable. Either of these options would substantially remove the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.

Addressing construction issues

- 35 Your Petitioners request that the Nominated Undertaker be required to mitigate the construction issues, by giving the Code of Construction Practice legal effect, with independent assessment of compliance and sanctions for breach. The Code should specify, in all cases, the need for work, facilities and construction, to be to the best available standards and techniques, and to the highest standard of construction and operation of the railway and its associated developments. The Code should be amended to enforce the following measures:-
- a. Properties in the Hyde Heath area are significantly blighted from the prospect of HS2, and this is likely to worsen when construction is underway. To address this, the proposed 'need to sell' scheme should be amended to cover anyone wishing to sell their property if it is blighted irrespective of financial status. Or alternatively the property bond as proposed by HS2 Action Alliance should be implemented. Furthermore, all those remaining who suffer the impacts of construction should be compensated.
 - b. Construction noise and vibration -including that from construction traffic – lasts for years in total and so should not be allowed higher noise limits than for HS2's operation. Exposure should be monitored and enforced by the Local Authority who should have powers to stop work if limits are exceeded
 - c. Constructing new temporary roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB to be used by construction traffic eg Potter Row, Keepers Lane Kings Lane, Hyde Lane, Hyde Heath Road, Frith Hill South Heath leg).
 - d. Restricting HGV movements to the period 09:30 – 15:30 throughout this section of the AONB.
 - e. Additionally prohibiting HGV movements along school routes between 15:00 and 15:30.
 - f. Prohibiting any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
 - g. Operating a 'Park and Ride' scheme to transport construction workers along the trace, and enforcing this by not providing parking for contractors at the construction compounds.
 - h. Dust exposure limits to be specified, monitored and enforced by local authorities (funded by the promoter), with powers to stop works if exceeded. Special attention to be paid to the spoil heaps and impacts of westerly winds effecting Hyde Heath
 - i. That contractors in the AONB be required to restore the land and temporary access roads after use to acceptable AONB landscaping and that local authorities be given the power to inspect such works and if necessary sanction contractors
 - j. During construction, the Nominated Undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads must be returned to its original size and character, and all damage repaired by the nominated undertaker.
 - k. That the Promoter provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.

¹ <http://www.chiltern.gov.uk/article/4429/HS2---Campaigners-launch-their-case-for-Going-Underground-to-preserve-AONB>

² <http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

- l. A hotline should be set up allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.
- m. That in relation to the River Misbourne, full surveys and continuing monitoring should be undertaken regarding water quality and the effect of the construction works, with actions undertaken, including cessation of construction in this area, if any adverse impacts are found
- n. Make the Junction at the bottom of Keepers Lane a left turn only. Thereby reducing traffic using Keepers Lane and Little Missenden as a rat run and improving road safety.
- o. Create a roundabout at the Pipers Wood junction with the A413 thereby improving road safety. NB there have been 2 fatalities at this junction within the last 12 months.

36 If Parliament only agree the SHCTE, mitigations with reference to the AONB north of Leather Lane are required.

Full Tunnel proposal

37 The Petitioners emphasise that the mitigation measures set out in paragraphs 39 and 40 above would in large measure be unnecessary and the impacts would be otherwise effectively mitigated if the Bill were to be amended to include the provision of a full tunnel throughout the AONB.

Objection to the detailed route and speed

38 Your Petitioners doubt that the current route that accommodates the proposed inappropriately high speed through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties in constructing a line through this area would have become apparent. A lower speed would allow HS2 to use existing transport corridors and greatly reduce environmental impacts, while adding little to journey times. Dropping the maximum speed from 225 mph to 185 mph adds just 4.5 minutes to the London – Birmingham journey time, according to the draft ES. 'Future proofing' the route to allow 250 mph in the future, increases the environmental damage caused by the route.

39 Your Petitioners request that a lower speed be adopted –such as that of HS1 – and a route be determined and adopted that exploits the greater ability for following existing major transport corridors and avoiding sensitive environments that are not major transport corridors.

40 The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement (ES) prepared by HS2 Ltd, it is inevitable that that the construction of HS2 will disrupt the lives of the residents in the AONB, including those of your Petitioner, in ways which have not yet been realised. Your Petitioner wishes the ES to be corrected and reserves rights to be allowed to raise further issues of concern on those matters which are corrected or on which additional information is provided, eg road congestion, waste management and noise.

41 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.

42 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, your Petitioner's Residents and their rights, interests and property and for which no adequate provision is made to protect your Petitioner and your Petitioner's Residents.

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 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 Petitioner will ever pray, &c.

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HIGH SPEED RAIL (LONDON – WEST
MIDLANDS) BILL
PETITION OF

Ian Terence Culmer and Vanessa Elizabeth Culmer

AGAINST, By Counsel, &c.

Name Ian Terence Culmer and Vanessa Elizabeth
Culmer

Telephone number(s) of Petitioner