

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 COLIN SULLY and RITA SULLY 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 Hammettsmith 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 Petitioners are the freehold owners of Fairleigh, Swan Bottom, The Lee, Great Missenden, Bucks HP16 9NG.
- 8 Your Petitioners’ property is located approximately 2 km from the line of the proposed railway works between South Heath and Wendover (Construction Maps CT-05-033, CT-05-034b and CT-05-035).
- 9 Your Petitioners use Kings Lane, Potter Row, Rocky Lane, Frith Hill and Leather Lane to access local services, including the railway, shops and health services, as well as for gaining access to the A413 and beyond. Regular closure of these roads and their use by construction vehicles during the period of construction of the works authorised by the Bill will result in your Petitioners being isolated from these services and in delays which will increase the time and cost taken for your Petitioners to access them.
- 10 Your Petitioners are regular users of Kings Lane for recreational purposes. The proposed works to the south of Kings Lane and the use of land below Hunts Green for storage of materials will result in your Petitioners losing a vital recreational facility.
- 11 Your Petitioners have lived in or adjacent to the Chilterns Area of Outstanding Beauty (AONB) for 35 years and were attracted to the area by the fine landscape and the excellent opportunities afforded for a wide range of recreation, including walking, cycling and horse-riding.
- 12 Your Petitioners’ rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Injurious effects of the Bill

The Chilterns AONB

- 13 Between Mantles Wood and Wendover the Proposed Route is on the surface and includes sections in shallow cuttings, on two viaducts, on embankments and in two green tunnels. This area is designated as an Area of Outstanding Natural Beauty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) and is further protected under the National Planning Policy Framework and the European Landscape Convention. Your petitioner contends that building HS2 on the surface in this section will permanently

destroy the tranquillity of the area and the beauty of its landscapes, qualities that lead it to be visited over 50 million times a year by visitors from London and other areas, have severe adverse effects on the social, environmental and economic cohesion of the communities in the area during and for a period after its construction, and permanently and seriously reduce the ability of residents to enjoy the natural benefits of the area in which they live.

It has been estimated that the Landscape value of this area is of the order of £500million to £750million. The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.

Your Petitioners request that the AONB be protected from the effects of this grave planning error by directing HS2 Ltd to ensure that the line passes through the AONB in a bored tunnel such as that proposed by Chilterns Conservation Board, Chiltern District Council and others or the CRAG T2 Tunnel, which has been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable. This would remove the adverse effects complained of in the remainder of this petition, and the need for the proposed remedies.

Construction Traffic

14 Your Petitioners are gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic throughout the section of the proposed line which is in the AONB, and in the Misbourne Valley in particular. Your Petitioners regularly drive through the AONB to access shops, health services and recreational facilities, and so will be directly impacted by traffic congestion throughout the area for the duration of the construction works. Your Petitioners regularly uses the network of lanes in the AONB which cross the proposed line for recreation, and regards these as a characteristic feature of the area which should be protected in accordance with the CROW Act. As residents of an area near to the construction zone, your Petitioners are also concerned that traffic seeking to avoid congestion in the construction area will place a further burden on the narrow roads in this community.

Your Petitioners request that the nominated undertaker be required to mitigate the remaining nuisances, by amending the Code of Construction Practice to enforce the following measures –

- Restricting HGV movements to the period 09:30 – 15:30 throughout the AONB.
- Constructing new roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB by construction traffic.
- 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.
- Constructing such facilities as may be necessary to remove spoil from

the AONB by rail.

Chilterns Hilltop Lanes

- 15 Your Petitioners are specifically concerned about the impact of construction vehicles using Kings Lane, Potter Row, Leather Lane, Frith Hill and Rocky Lane. Construction vehicles using these roads will affect your Petitioners directly due to increased delays/noise/vibration/visual impacts.

Your Petitioners request that construction vehicles avoid these routes at all times due to the unsuitability of the roads. Your Petitioners request that the nominated undertaker uses alternative access during construction, if necessary building new separate access from the A413, and uses the trace as far as possible.

Restoration of roads and land

- 16 Your Petitioners also request that the Code of Construction Practice be amended to the effect that contractors in the AONB will be required to restore roads and land after the conclusion of construction to acceptable AONB landscaping and that local authorities be given the power to inspect such works and if necessary sanction contractors who fail to meet an appropriate standard within an acceptable timescale.

- 17 In addition your Petitioners request that ownership of all land not required for the operation of HS2 following construction should be transferred to Lee Parish Council and Great Missenden Parish Council or Wendover Town Council with sufficient funds provided to enable such areas to be properly maintained.

Waste/Sustainable placement

- 18 Your Petitioners object to the use of 'sustainable placement' in the AONB. Your Petitioners live in the Parish of The Lee, where sustainable placement is planned near Hunts Green Farm. Sustainable placement in this area will have negative visual impacts, and change the character of the area.

Your Petitioners request that excess excavated material is removed from the source by rail, and is disposed of accordingly. BCC have suggested numerous sites where this material could be deposited, yet HS2 Ltd has failed to acknowledge these. Further work is required to produce an acceptable plan for surplus excavated material, and this should be done in consultation with the local planning authority.

- 19 Your Petitioners emphasise that the mitigation measures set out in paragraphs 14 to 18 above would in large measure be unnecessary and the impacts would be otherwise mitigated if the Bill were to be amended to include the provision of a full tunnel throughout the AONB as referred to in paragraph 13.

- 20 The list of grievances above is by no means exhaustive and, due to the inadequacy of the Environmental Statement prepared by HS2, it is inevitable that that the construction of HS2 will disrupt the lives of residents in the AONB in ways which have not yet been considered.
- 21 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

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 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.

AND your Petitioners will ever pray, &c.

[Signature of Petitioner in person, or Agent for the Petitioner]

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