

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013 - 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

PETITION

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 Chiltern Countryside Group

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled: '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.

Overview:

7. Your Petitioner is The Chiltern Countryside Group (CCG) (and hereinafter referred to as 'the Petitioner'). The CCG was originally established in 2008 by volunteers living in the Chilterns with a concern and heart to protect and enhance the Chilterns and its nationally important Area of Outstanding Natural Beauty (AONB). The Chilterns AONB has unique qualities which are especially valued for its location and accessibility as the nearest 'green lung' for London. There are over 50 million visits made annually to the Chilterns AONB for quiet recreational activities, for example, walking and cycling in the natural beauty of the Chiltern Hills (2007 Tourism South East).

8. Your Petitioner has appointed a Steering Group of volunteers, all of whom are professionals from different walks of life, to undertake the daily functions of the Petitioner's activities. The CCG supporters are invited to participate in these at whatever level they (the individual supporter) consider to be appropriate.

9. Your Petitioner has a specific mission statement of: 'Preserving the peace of the Chilterns'. Your Petitioner identifies that, whether this is through living, working or relaxation, it enjoys and benefits, collectively and individually, from the special character and healthy leisure pursuits and relaxation afforded to it presently by the Chilterns AONB. Therefore, your Petitioner is directly and specially affected by the proposals laid down in the HS2 Hybrid Bill. Your Petitioner actively seeks to preserve such benefits for the nation, now and for future generations and asserts, furthermore, that the proposals of the Bill would injuriously affect their ability to do so.

10. Your Petitioner works closely with the Chiltern Conservation Board, the Chiltern Society and other organisations with a similar purpose. Your Petitioner is recognised by Members of Parliament, Councillors and the Local Authorities in the Chilterns as a relevant contributor to and consultee on issues relating to the protection of the Chilterns AONB.

11. Your Petitioner has engaged with HS2 Ltd directly since 2010 on many issues and has participated in the Community Forums 8, 9 & 10 run by that organisation for the Chilterns communities.

Since its formation in 2008, your Petitioner has made substantial submissions and reports to the Parliamentary Inquiries and Consultations on issues relating to the Chilterns AONB and different modes of transport, including high speed rail. All these can be accessed through your Petitioner's website: <http://www.chilterncountrysidegroup.org>

Your Petitioner remains disappointed that the constructive dialogue and potential improvements to the scheme to mitigate impacts which could have arisen from these opportunities have not been utilised to afford greater benefit to the impacted areas and communities or indeed, to designing a high speed rail route outside the AONB with optimum connectivity to other key national transport infrastructure.

The Chilterns Area of Outstanding Natural Beauty:

12. Your Petitioner finds the provisions of the Bill are without any measurable or perceivable benefit to the AONB and its communities. Your Petitioner believes its rights, present and future interests in and benefits from the Chilterns AONB would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form.

13. Your Petitioner is cognisant with the Countryside and Rights of Way Act 2000 (s85) (CROW Act) which establishes in law:

'S 85 General duty of public bodies etc.

(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

(2) The following are relevant authorities for the purposes of this section—

(a) any Minister of the Crown,

(b) any public body,

(c) any statutory undertaker,

(d) any person holding public office.'

14. Your Petitioner is also cognisant with section 86 of the aforementioned Act which provides for the establishment of Conservation Boards. Indeed, the Chilterns AONB has a highly-regarded and very professional Conservation Board upon which this legislation in section 87 has conferred the following responsibilities:

'General purposes and powers.

(1) It is the duty of a conservation board, in the exercise of their functions, to have regard to—

(a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and

(b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty'.

The Act continues that the most important of these two functions is (a) – the conservation and enhancement of the AONB's natural beauty.

The Conservation Board also in S87 has the obligation to 'seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty'.

15. Your Petitioner believes that its rights, present and future interests in and benefits from the Chilterns AONB and its environs would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form.

16. Your Petitioner also believes that the ability of the Chilterns Conservation Board to undertake its responsibilities on behalf of your Petitioner and others with a vested interest in the AONB will be seriously compromised by the provisions of the Bill if passed into law in their present form.

17. Your Petitioner finds the provisions of the Bill contrary to the spirit and practice for the planning and implementation of a major national infrastructure, which by its very qualification 'is for the benefit of the nation' and which should therefore uphold those requirements especially enshrined in law to protect nationally significant heritage landscapes.

Your Petitioner therefore objects to the Bill for the above reasons and those, amongst others, hereinafter appearing.

The Environmental Statement:

18. Your Petitioner finds that the Environmental Statement (ES) which accompanies the Bill is inadequate in its recognition of the individual and cumulative effects which the proposals will make temporarily and permanently upon the Chilterns AONB.

The ES concludes the overall impact on the Chilterns AONB to be only moderately adverse, a description with which your Petitioner, together with professional environmental bodies, including Natural England, does not concur. The Report of the ES Assessor identified (p12) that minimising the impact of the proposed route through the Chilterns AONB was the single greatest issue of concern for respondents to the HS2 ES, most of whom, we would suggest, are ordinary citizens.

Your Petitioner is concerned that there appears to be only a limited assessment of the cumulative effects of the proposed scheme upon the AONB. Your Petitioner respectfully requests that this be remedied forthwith.

19. Your Petitioner submitted responses to the ES Draft and Final Consultations (ref. CCG website) which drew the Proposer's attention to certain omissions and curtailed considerations of impact on the AONB. Your Petitioner respectfully requests that should further or new information become available, that Petitioners be offered an additional opportunity to respond to these, through extension to existing petitioning time-frames, or a specific extra period in which to do so.

20. The proposed scheme will have the following permanent effects upon the Chilterns AONB:

- 11.5 km of the route will be on surface, embankment, viaduct, shallow cuttings or cut and cover tunnels
- 18 hectares of woodland will be destroyed, of which 10.2 hectares are Ancient Woodland
- 41 km of hedgerows will be destroyed, of which 5.6 kms are important and historic
- 150 m section of the Grims Ditch Scheduled Ancient Monument will be destroyed
- 460 hectares of land will be taken for construction; 194 hectares of currently productive farmland will be taken permanently
- More than 200 mature trees (not in woodland) will be felled
- 12 million tonnes of spoil will be generated and potentially dumped in the AONB
- 17 km of security fencing
- 5.5 km of noise barriers up to 4m high
- 3 vent shafts up to 4 m high, each covering 3,300 sq.m
- 2 auto transformer electricity stations, each covering 2,200 sq.m
- Up to 500 gantries carrying overhead wires
- 2 viaducts of 500 m each at (a) Wendover and (b) at Wendover Dean up to a maximum of 26 m high including gantries
- 2 tunnels described as 'green' each of 1 km which will require complete excavation up to a depth of 20 metres
- Unknown number of telecommunication masts
- 9 new bridges for roads, tracks and public rights of way
- 6 km of redesigned and re-aligned rural roads
- Over 3.5 km of new service roads
- Unknown quantity of lighting and light pollution from trains and flashing from pantographs
- Loss of ancient countryside
- Loss of ancient woodland
- Loss of the entire Barn Owl population
- Loss of, and disturbance to other wildlife and severe restrictions on habitat movements of mammals including deer
- Creation of 29 settling ponds and flood swales
- More than 1.8 km of embankments up to 16 m high with gantries of 8 m on top
- Visual and noise intrusion from up to 36 trains per hour travelling at up to 360 kph
- Loss of amenity for over 10,000 residents living within 2 kms of the route
- Loss of quality of national amenity for at least 50 m visits for leisure pursuits per annum

- A tunnel portal in Mantle's Wood which is ancient woodland with a high tranquility level

It is quite clear that the proposed scheme will significantly impact permanently upon the Chilterns AONB. It will not look or be the green, unspoilt landscape as it now is, with the same level of tranquility and far-reaching rural views which it currently possesses. The ancient landscape, woodlands, buildings and settlements of the AONB are irreplaceable. The setting, rural nature and extensive viewpoint sites of the AONB are integral to its value and character.

Your petitioner respectfully asserts that the only way to significantly reduce the adverse effects on the Chilterns AONB is by means of a fully bored tunnel through the AONB.

Deviation:

21. Your Petitioner is concerned that provisions within the Bill would appear to allow construction or maintenance of any of the scheduled works to deviate vertically upwards by no more than three metres, vertically downwards to any extent and laterally to any extent with the deviation limits shown in the deposited plans.

Your Petitioner is concerned that such deviations, if applied, have the potential to cause significant changes to the degree of impact and that this is not adequately addressed in the ES. Your Petitioner is concerned that the provisions of the ES only require reasonable endeavours to adopt measures to reduce adverse environmental effects – and these are also required not to add unreasonable cost or delay to the scheme's construction and operation.

Your Petitioner is concerned that these provisions do not afford sufficient protection to the AONB landscape and communities. The provisions would appear to rely upon the Promoter's definition of what is 'reasonable or unreasonable'. Your Petitioner respectfully requests that any deviation for scheduled works vertically upwards should be limited to no more than one metre and that appropriate limits should be laid down for unscheduled works.

Noise and Tranquility:

22. Your Petitioner finds the assessment of noise and vibration from the construction and operation of the proposals to be inadequate. Tranquility – both aural and visual - is a key resource of the AONB providing much of its character and benefits. There is no doubt that the construction and operation of the proposals will significantly impact upon that key asset.

Your Petitioner finds inadequate assessment of the noise impact upon that tranquility, both for location and at different times of day. For example, operation of the railway and its maintenance at night will inevitably cause greater noise intrusion upon silent landscapes and communities than during conventional daytime activities. There is likely to be significantly greater noise intrusion into quiet landscapes enjoyed by the public on rights of way, than alongside a national transport corridor.

Your Petitioner respectfully requests that reassessment of significant noise impact be carried out and that this report be published to Parliament and publically.

Your Petitioner believes the scheme's design should incorporate the most up to date practices to reduce noise impact. As this scheme is presented by the Promoter as a world class railway for the future, its design and operations should go beyond current World Health Organisation (WHO) recommendations to facilitate not just lower noise impact on communities and landscapes now, but for future generations. Your Petitioner respectfully requests that binding requirements are laid

down which oblige the Promoter to design and operate the scheme so that day and night noise thresholds in both rural and urban areas are at least compliant with WHO noise guidelines.

Your Petitioner is concerned that noise levels during construction may exceed those parameters set out by the WHO. Your Petitioner respectfully requests that Local Authorities be given legal enforcement powers which compel such activities to cease should this occur.

### 23. Spoil:

Your Petitioner is concerned at the proposals for disposal of spoil from and within the AONB. Your Petitioner respectfully requests that provisions be incorporated into the Bill which preclude the depositing of any excavated, waste material and spoil within the AONB; that where such material is generated within the AONB, it is removed as this happens, so that no temporary spoil heaps are created, nor the material used to create landscaped embankments alien to the landscape and character of the AONB.

Your Petitioner respectfully requests that routes for spoil haulage lorries are agreed in consultation with Local Authorities to ensure they avoid sensitive residential areas and ancient lanes.

### 24. Ancient Woodlands:

By the very definition of its nature, ancient woodlands are irreplaceable. They are of national importance and play a key element in the landscape of historically and nationally significant areas, such as the Chilterns AONB. Indeed this AONB is renowned nationally for its indigenous beech and the habitats which this species of tree sustains. Your Petitioner finds there is extremely limited mitigation and compensation for the loss or degradation of these natural sites.

However, should the Promoter progress the scheme, your Petitioner respectfully requests that:

- planting should be of indigenous trees currently found in the AONB in such woodland sites, taking into account current knowledge of climate change, pests and disease and that such trees be allowed to reach their maximum height
- planting should be to a design which complements the natural and existing AONB landscape
- planting should be carried out as early as possible as the scheme progresses through the AONB
- monitoring at the expense of the Promoter should extend over a 60 year period during which replacement trees should be planted, should the original planting fail.

### 25. Hydrology

Your Petitioner is concerned about fresh water supplies and the effect on the River Misbourne and possible pollution to these during the construction and operation of the proposed scheme.

Your Petitioner respectfully requests that during the construction period, regular sampling should be taken of surface water from different points surrounding the construction site. Such samples should be independently tested by one of the UK's accredited water service laboratories and the results provided to the Environment Agency and the relevant Local Authority.

Your Petitioner respectfully requests that provisions to legally safeguard public water supplies, to at least present standards of quality and availability, be incorporated into the Bill.

Your Petitioner respectfully requests that full ecological and historical environmental surveys on

surface water bodies are carried out, prior to commencement of construction operations.

#### 26. Ecology:

Your Petitioner is concerned at the adverse effects on the fauna and flora of the Chilterns AONB during the construction and operation of the proposed scheme. Your Petitioner respectfully requests that mitigation provisions be made to reduce such effects so that ancient woodlands are not severed or destroyed, that wildlife migratory routes remain, or are established in as natural a manner as is possible and that due recognition and regard is given to species and habitats of significance to the AONB.

The House of Commons published an Environmental Audit Committee Report in April 2014 which recommended that monitoring of all aspects of environmental protection should take place over a 60 year period from the start of construction and operation of the scheme.

Your Petitioner respectfully requests that the recommendations of this Report be adopted by the Promoter and that legislation is enacted to ensure compliance with these.

#### 26. Public Rights of Way:

The Chilterns AONB offers a rich variety of Public Rights of Way from nationally recognised and significant paths such as the ancient Ridgeway to local footpaths and bridleways. These are accessible by various means and afford tranquility, a feeling of remoteness and far-reaching views.

Your Petitioner is concerned that these amenities are not lost to the public and respectfully requests that the need for re-alignment is minimised, and where absolutely necessary, this is made sensitively to the original natural landscape without any reduction in accessibility. The Promoter should be made aware that many such routes, which may be used by construction vehicles during that process, are presently heavily used by walkers, cyclists and riders.

#### 27. Light Pollution:

Your Petitioner is concerned that light pollution during construction of the scheme and its subsequent operation when flashing from contact with overhead wires and train lights will adversely impact on communities and isolated residents, where currently there is little or no artificial light impact. Your Petitioner respectfully requests that artificial light intrusion be reduced to the minimum for safety and that this is monitored regularly.

#### 28. Heritage:

The character of the Chilterns AONB is defined not only through its landscape and natural features, but through its historical buildings and their settings. Your Petitioner finds the proposals cause significant impact upon those features, which may also provide practical functions, as for example, St. Mary's Church, Wendover which offers religious and cultural facilities to the community.

Your Petitioner respectfully requests that provisions are made within the Bill to protect heritage sites and their settings from degradation or loss through the construction and operation of the scheme.

#### 29. Loss to business and the economy in the Chilterns AONB:

Your Petitioner is concerned that the Proposer has not adequately taken into account the probable

losses to businesses and therefore the local economy in the Chilterns which is likely to be caused by the construction and operation of the scheme.

Your Petitioner has carried out research (2013) into the probable and perceived effect of the scheme upon businesses in Great Missenden, Bucks, a small community set in the heart of the Chilterns AONB. This settlement has a range of independent High Street shops heavily dependent upon, not just local shoppers, but on visitors from outside the area. Retailers there expect trade and footfall to be adversely affected by the construction of the scheme and believe that the reputation of the AONB will suffer substantially and may never recover to its present levels. Your Petitioner shares this view.

Your Petitioner finds that no assessment has been made of the possible losses to businesses and to tourism generally in the AONB, which potentially could be significant. Your Petitioner respectfully requests that such an assessment be carried out and that a) the socio-economic effects of the loss of business and tourism be taken into full consideration and that b) the findings be incorporated into the published Benefit Cost Ratio for the scheme and thus given proper consideration by Parliament.

### 30. Code of Construction Practice:

Your Petitioner finds the Code of Construction Practice (CoCP) inadequate in its requirements and regulations of important aspects of that phase.

There appears to be no scheme to ensure compliance for lead contractors nor establishment of redress and action where there is failure of compliance with the CoCP. Your Petitioner understands that the CoCP does not have legal status, a situation which it believes should be addressed through the Bill.

Your Petitioner respectfully requests that the CoCP becomes part of the Bill and that legislation should empower the relevant Local Authority, together with independent experts, to oversee and seek redress where there is failure to comply with the CoCP. Effects should be measured, such as air quality, to ensure that WHO guidelines are implemented where applicable and that contractors are accountable in fulfilling their obligations to the CoCP.

Your Petitioner respectfully requests that the CoCP includes the provision of explicit haulage routes where otherwise historic rural byways would be used and that traffic management plans be agreed through consultation with the relevant Local Authority.

### 31. Remedies to reduce impact on the Chilterns AONB:

Your Petitioner believes there are two options which should have received greater consideration in the design of the proposed scheme:

#### (a) A different route alignment:

A high speed route which is completely outside any AONB or National Park, including that of the Chilterns and which affords optimum national and international connectivity for the UK's major transport corridors. Your Petitioner has frequently called for a new high speed rail route to be part of a properly planned national transport infrastructure for all transport modes. It does not find this to be true for the proposed scheme.

#### (b) A fully bored tunnel throughout the Chilterns AONB.

Your Petitioner finds that the Proposer has failed to properly take account of a full and proper consideration of the natural capital of the AONB and accordingly the benefits of tunnelling options as superior alternatives to overground rail lines for the Chilterns AONB. Your Petitioner questions whether Government has fulfilled their obligations under the CROW Act 2000 s85 if the Proposer does not conduct such evaluations, as such failure would appear to compromise the intention of that Act in protecting heritage quality landscapes.

Your Petitioner concurs completely with the recommendation of Natural England in its ES report (2.37) 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'.

Your Petitioner contends that the inheritance which the proposed scheme will give for Government will not, as the present provisions of the Bill stand, be as a world-class railway for the benefit of the nation but rather will afford the potential to establish a precedent that the statutory legislation in place to safeguard AONBs and National Parks can be over-ridden, ignored, or minimised at will.

If Government should proceed with the proposed scheme, then the only possible remedy which can afford a semblance of mitigation and demonstrate an attempt to fulfil the obligations of that legislation is a fully bored tunnel throughout the length of the Chilterns AONB.

Your Petitioner respectfully requests that proper consideration with due regard to costs and benefits, including those of a natural character, be given to the rail route being constructed in a fully bored tunnel which extends throughout the length of the Chilterns AONB to the NW of Wendover with the minimum number of surface constructions required for safety. Due consideration will take into account that an optimum alignment for a fully bored tunnelled route may vary from that currently proposed.

Your Petitioner believes that a fully bored tunnel would afford an optimum mitigation remedy to most of the concerns which it identifies in this Petition, and indeed, would expect there to be other benefits which it has either not considered in this document, or of which it is unaware.

### 31. Further matters:

Your Petitioner reserves the right to raise the above and any further matters relating to the substance of the Bill and this Petition, which may arise in due course from discussions, preparation and publication of reports, revisions to proposals or any other matters relevant to our stated concerns, prior to your Petitioner's representation before the Commons Select Committee.

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.

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

YOUR PETITIONER 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 rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for its 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.

Signed.../

NAME: Susan Yeomans

Agent for:

The Chiltern Countryside Group

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