

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 Conserve the Chilterns and Countryside.

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 Teresa 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 of the Bill set out how Phase 1 of the proposed high speed railway known as HS2 will be constructed. In particular, these sections of the Bill provide for powers to carry out the works required for the construction of the railway line, for the compulsory acquisition of required land, for the exclusion of rights over land and for deregulation. The remainder of the Bill deals with regulatory and miscellaneous issues raised by the Bill including railways matters, further works and statutory undertakers.
- 4 The Scheduled Works proposed by the Bill are set out at Schedule 1 to the Bill. These works may only be carried out by nominated undertakers (as defined in the Bill). Further works authorised under the Bill are set out at Schedule 2. These works together are known as the Associated Works.
- 5 Your Petitioner is Conserve the Chilterns and Countryside (known as "CCC"). The Bill would authorise the construction of HS2 through the Chilterns and your Petitioner objects to the part of the proposals set out below.

6 Objection is taken to the works proposed to be undertaken between Amersham and Wendover. These works include the building of the railway line, the construction of tunnels, cutting, viaducts and access roads, the diversion of existing roads, the removal of woodland and the demolition of listed buildings.

7 Your Petitioner is a not-for profit organisation established (as a company limited by guarantee) in 2010 which represents a group of residents from the Chilterns area and whose aim is to promote and protect the Chilterns Hills and countryside, and in particular the area of outstanding beauty around, and between, Amersham, Chesham and Wendover. Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

8 The Chilterns are designated as an Area of Outstanding Natural Beauty ("AONB") and includes a wide range of ancient woodland sites (some of which are over 400 years old), ancient monuments and diverse wildlife. The Chilterns is the only AONB along the proposed route of HS2. The route as set out in the Bill passes through the widest part of the Chilterns including some of the most remote and unspoilt parts of the area.

9 AONBs are areas of high scenic quality which are protected by statute in order to conserve, and enhance, the natural beauty of their landscape. AONBs are designated under the National Parks and Access to the Countryside Act 1949 and are protected under this legislation as well as the Countryside and Rights of Way Act 2000 (the "CROW Act"). In particular, Section 85 CROW Act provides that:

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 engaging the natural beauty of the area of outstanding natural beauty.

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

- (i) any Minister of the Crown,*
- (ii) any public body.*
- (iii) any statutory undertaker,*
- (iv) any person holding public office.*

The AONB is also protected under the National Planning Policy Framework and the European Landscape Convention.

10 Your Petitioner is particularly concerned about the following effects of the Bill on the Chilterns:

Landscape

11 The Chilterns AONB is a beautiful natural area with many important local features including chalk escarpments, woodlands, valleys, chalk streams and traditional villages. The Bill, as a

result of the surface works and green tunnels, would result in significant damage to this landscape and irrevocably change the nature of many areas. The promoter proposes tree planting and the creation of earth bunds to mitigate the visual effect of HS2 but these will take a significant period of time to fully mature and will also create visual barriers to the landscape therefore changing the nature of the landscape in their own way.

Ecology

- 12 The Chilterns AONB contains a wide variety of animal and plant species including a number of ancient woodland sites. Farming also has a significant presence on the AONB with over 80 square miles of arable land and over 85,000 livestock present within its boundaries. The proposals set out in the Bill would result in the loss of a number of ancient woodland sites. These areas of woodland include Ash Grove (South), Mantle's Wood and Lott's and Keeper's Wood.
- 13 A number of hedgerows which dated from before 1870 (and therefore are protected under the Hedgerow Regulations) will also be lost. There is no mitigation which would adequately compensate for these losses.
- 14 Your Petitioner is also concerned about the effect of the Bill on biodiversity and particularly the effects of the proposed railway on the severance of the green belt and on habitats. These effects will be exacerbated as the railway line will be fenced and kept clear of vegetation, restricting the free movement of reptiles and mammals.

Noise

- 15 Your Petitioner is concerned about the impacts of the Bill in respect of noise of both the railway once operational, and during the construction process, (which is scheduled to last for many years). Once HS2 is operational, a significant number of homes will experience noticeable noise increases, despite the proposed mitigation set out in the Bill. Further, a large number of areas which are currently used by recreational users for the quiet enjoyment of the countryside will be subject to significant noise issues.
- 16 Further, many areas of the AONB will be significantly affected by noise from construction works including but not limited to, the construction itself, traffic movements and the operation of the construction compounds. Your Petitioner is concerned that it does not appear that maximum noise thresholds have not been set and that the specific noise impacts have not been properly considered.

Vibration

- 17 Your Petitioner is concerned about the effects of vibration from the operation of HS2 as well as from construction traffic and the effect that this will have on your Petitioner's members' properties and on their quality of life.

Community severance and access

18 The Chilterns is a rural area dominated by agricultural activity with scattered and distinct villages and larger towns forming local centres. The connectivity between the villages and towns via country lanes, footpaths and bridleways forms a key part of the fabric of the area. Severance of landholdings and of footpaths as proposed by the Bill (for example at Shardeloes Park) will result in a loss of amenity, and in some cases disruption to commercial activity, as well as disruption to important and well used linkages between different communities.

19 In particular, the Bill is unclear in relation to severance of footpaths and the mitigation proposed in respect of these. Your Petitioner also notes that the Chilterns, as a large open space close to London, is widely used for recreation (and is in fact one of the most visited areas in the UK). Activities carried out in the AONB include walking, cycling and horseriding and any loss to footpaths and bridleways will have significant effects on these and other recreational uses. This will have a significant effect on the local economy, which currently is estimated to receive £271.6 million annually as a result of tourism to the AONB.

Agriculture and Soil

20 The Bill proposes that the HS2 line will run through Grade 2 listed farmland. Your Petitioner is particularly concerned, not just with the loss of this farmland, but also with the proposed severance of a number of fields and farms which may leave parcels of land which are not large enough to farm, are overshadowed by the works or have degraded soils as a result of the Associated Works. Further, segregation of farmland can lead to losses in farm efficiencies. In certain locations access across the railway for farmers to their own fields will be restricted to specific roads or footpaths and may increase travel distance for farmers to access fields on either side of HS2 where they fall within the curtilage of a single farm operation.

Construction Traffic

20.1 Your Petitioner is concerned about the effect that construction traffic will have on the AONB and on CCC's members. Your Petitioner's members drive across the AONB (and across the proposed line) on a daily basis to get to work, schools and shops. Any congestion, and road closures that arise as a result of the Bill, will therefore have a significant effect on your Petitioner's members.

Waste and Construction

21 The works proposed by the Bill will require the removal and movement of large amounts of soil, particularly topsoil which will all be required to be moved elsewhere or reinstated. The removal and transport of this soil and other waste materials, along the whole length of the AONB, will require the movement of a significant number of heavy goods vehicles and earthmoving equipment. Your Petitioner understands that such vehicles will be using the existing road network. The removal of soils from the route, and its reinstatement in

proximity to the route, will change the nature and shape of parts of the Chilterns ANOB permanently as well as resulting in alterations to the natural geology of the landscape.

- 22 Your Petitioner is also concerned about the working hours which are set out in the draft Code of Construction Practice. These provide HS2 with a wide discretion as to when work can be carried out. A number of your Petitioner's members live very close to construction sites and to routes which construction traffic will be using. Any construction taking place at unsociable hours will have a significant effect on those individuals and their families.
- 23 Your Petitioner also seeks specific provisions in the Bill to ensure timely and adequate restoration of land that has been used for construction purposes.

Culture and Heritage

- 24 The Chilterns AONB contains a number of areas, features and buildings of importance to the cultural heritage of the area. These include a number of Grade 1 and 2 listed buildings as well as the Grim's Ditch Scheduled Ancient Monument, part of a series of Iron Age ditch earthworks which stretch across the chalk uplands of Southern England. The route, as proposed by the Bill, runs through Shardeloes Grade 2 Registered Park and Garden which is an Archaeological Notification Area. Shadeloes House is a Grade 1 listed building. The route will also require the demolition of Grade 2 listed buildings at Hyde Farm/Chapel Farm and will remove some 23 metres of the Grim's Ditch Scheduled Monument. Your Petitioner states that these aspects of the cultural heritage of the Chilterns have been protected by statute and are irreplaceable: no level of mitigation will be satisfactory should the works remain as currently proposed.

Spoil

- 25 Your Petitioner also understands from the technical summary of the environmental statement accompanying the Bill that spoil will be imported to the Chilterns AONB from other areas along the line. This will increase the amount of waste to be disposed of on the AONB and will therefore exacerbate the already significant impacts of the removal, transport and re-distribution of soils from the works proposed in the AONB.
- 26 Your Petitioner is also concerned about the amount of spoil which is due to be deposited at Hunts Green and in particular the effect that a spoil heap of this size would have on the landscape of the AONB.

Balancing ponds and effects on aquifers

- 27 Your Petitioner is concerned about the effect of the proposed balancing ponds on the AONB as these non-natural ponds will obviously have an effect on land drainage and flooding risks. Further, your Petitioner is concerned about the effects of the proposed works on the aquifers under the AONB, the chalk streams that cross the AONB and the subsequent effect on drinking water quality.

Mitigation

28 Your Petitioner argues that the only acceptable form of mitigation to the issues outlined above is a continuous tunnel under the Chilterns AONB. Your Petitioner sets out the benefits that a continuous tunnel would have:

Landscape

29 A continuous tunnel would prevent any visual effects or damage to the landscape of the AONB. Any effects caused by the discrete ventilation shafts could be limited through careful site selection.

Ecology

30 Provision of a tunnel where green bridges and surface routes are proposed would mitigate adverse effects on ecological features and the green belt and would avoid severing of natural corridors.

Cultural Heritage

31 A continuous tunnel would effectively mitigate any effects of the surface works proposed by the Bill on the cultural heritage of the Chilterns. In particular, a tunnel would avoid the demolition of any listed buildings and would preserve Grim's Ditch. Further, the character of other local protected buildings and special areas will remain unaffected by HS2. Ventilation shafts could be carefully located to avoid any harm to the cultural heritage present in the AONB.

Noise

32 The continuous tunnel alternative would avoid any surface borne noise along the route, apart from at ventilation shafts where it could be mitigated by careful site selection and mitigation. Further, construction noise would be avoided.

Vibration

33 A continuous tunnel would significantly reduce any effects of vibration during the operational phase of HS2 and would also remove much of the vibration caused by construction traffic throughout the AONB.

Community Severance and Access

34 A continuous tunnel would effectively remove any surface disruption and allow access route and current landscapes and land parcels to remain as they currently are.

Agriculture and Soil

35 A continuous tunnel would avoid any loss of agricultural soils and any possible severance issues for local farmers.

Construction Traffic

36 A continuous tunnel would significantly reduce the amount of construction traffic throughout the AONB as such traffic would be substantially concentrated around the entrance and the exit of the tunnel.

Waste and Construction

37 Although the continuous tunnel option will generate a significant amount of waste, this is estimated to be less than the current route proposed. Further, the removal and transportation of waste will take place from two distinct locations (at the ends of the tunnel) limiting the impacts of these works and allowing for more focused mitigation and control.

Balancing ponds and aquifers

38 A continuous tunnel would remove the need for balancing ponds throughout the AONB would not affect surface hydrology and would pass below the principal aquifers.

39 CCC has advocated a continuous tunnel route through the Chilterns throughout the HS2 consultation process. At the instigation of CCC and other groups, this tunnel option was considered by HS2 Limited at the draft Environmental Statement phase in 2013. In the Environmental Statement, when reviewing a number of possible tunnel options under the Chilterns, HS2 stated that

"the extended tunnels (...) all performed well on environmental grounds compared with option A [the current route] as they avoid a range of impacts on environmental receptors. This included the reduction of landscape and visual, ecological, cultural and heritage, noise, community and agricultural impacts within the AONB."

However, HS2 Limited has rejected the continuous tunnel proposals on the basis that this would cost £330 million more than the proposed route (a figure which your Petitioner does not accept).

40 It does not appear to your Petitioner that the Secretary of State will comply with his obligations under Section 85 CROW Act if the final decision is taken to proceed with the Bill as currently proposed, and therefore a significant environmentally harmful route option, without there first being a specific and robust analysis of the extent of the cost differential between this and a significantly less harmful tunnel option.

41 Your Petitioner also draws your attention to a report commissioned by Chiltern District Council, Buckinghamshire County Council, Aylesbury Vale District Council and the Chilterns Conservation Board and produced by Peter Brett Associates published on 25 April 2014. This report explores a new fully bored tunnel alignment through the AONB.

42 Your Petitioner would support either tunnel option or any other option that avoided surface effects within the Chilterns AONB.

43 In the absence of a continuous tunnel your Petitioner concludes that the harmful effects of the works outlined in paragraph 11 to 27 above cannot adequately be mitigated. Your Petitioner requests that there be independently assessed binding mitigation and monitoring measures in place as proposed in the House of Commons Environmental Committee's 7

April 2014 report entitled "HS2 and the Environment thirteenth Report of Session 2013-2014". The following mitigation would be required as an absolute minimum.

- (a) That HS2 Ltd be required to produce noise thresholds which reflect international guidelines, that they set reasonable noise limits for construction and the operation of the railway which can be effectively monitored and enforced.
- (b) That there be binding mitigation measures in respect of vibration from the construction and operation of HS2.
- (c) That construction under the Bill be limited to reasonable core hours and that no derogation from these hours be permitted unless by agreement with the relevant local planning authority.
- (d) That landscape works, and in particular tree planting, be carried out before the commencement of construction works so as to provide effective screening of such works.
- (e) That alternative sustainable urban drainage systems be investigated which reduce or remove any effects arising from the balancing ponds.
- (f) That any negative effects on aquifers or on drinking water be fully mitigated and monitored.
- (g) That the proposed spoil dump at Hunts Green be removed from the Bill and that a more sustainable waste disposal option be implemented;
- (h) That land used for construction be restored to an acceptable standard given its location in an AONB and that such land, if it remains in promoter's ownership, is properly maintained;

44 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, Schedule 1: Scheduled Works 2/12 to 2/34, so far affecting your Petitioner, should not be allowed to pass into law.

45 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, interests and property 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 it 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.

Signature of the Agent for the Petitioner _____

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PETITION OF CONSERVE THE CHILTERN AND COUNTRYSIDE

AGAINST, By Counsel, &c.

