

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – 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 CHETWODE PAROCHIAL CHURCH COUNCIL

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.
7. Your petitioners are the members of the Parochial Church Council (PCC) of the parish of Chetwode in Buckinghamshire. The members of the Parochial Church Council are elected annually by those on the Church Electoral Roll. The members are all volunteers and their duties are defined by two Acts of Parliament. The Parochial Church Council is responsible for fundraising, the financial affairs of the church and the care and maintenance of the church fabric and its contents.
8. Chetwode Parochial Church Council (the "petitioner") is petitioning on behalf of the Grade I listed Church of St Mary and St Nicholas, Chetwode (the "Property"). This Property and associated Conservation Area will be injuriously affected by the provisions of the Bill. The Property is identified in the Environmental Statement that accompanies the Bill ("the ES") as being permanently affected by the operation of Phase One of HS2. Your petitioner met with High Speed 2 Limited and officers of the Church about the proposals in the Bill in April 2013, indicating that the promoter of the Bill is of the view that your Petitioners will be specially and directly affected by the Bill. According to the Environmental Statement, your petitioners' property lies within the Zone of Theoretical Visibility with respect to the construction phase of the railway and is 60 metres from the construction zone.
9. Your petitioners' rights, interests and property will be injuriously affected by the provisions of the Bill, and your petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.
10. Your petitioner is concerned by the possibility of land in Chetwode being acquired permanently for a temporary purpose and considers it inappropriate for the Bill to contain compulsory purchase powers in respect of its land when the nominated undertaker's requirement is for a temporary use only. We propose the Promoter make temporary arrangements to satisfy their conservational requirement, and that thereafter appropriate covenants and management agreements can ensure the continued stewardship, whilst ownership remains with the existing land owner.
11. Your petitioner is concerned about the powers to acquire land and rights in land compulsory set out in clauses 4 of the Bill, and believes that the powers

sought go beyond what is required to achieve implementation of HS2. The powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create additional blight. Your petitioner seeks an assurance that the Secretary of State will acquire no greater amount of land than is reasonably required for the construction and operation of the works authorised by the Bill. Your petitioner requests that the Bill and the deposited plans be amended to exclude land that is not required, or that the Secretary of State be required to enter into legally binding agreements with land owners saying that land that is not required will not be compulsorily acquired. Your Petitioner respectfully requests that clause 47 be removed from the Bill.

12. Your petitioner proposes to your honourable House that the Promoter should be required to undertake that it will seek to agree with your petitioner a suitable specification for security and prevention of light pollution from the Chetwode cutting satellite compound and the Chetwode Auto-transformer station.
13. As discussed with the Promoters, your petitioner favours a cut and cover ("Green") tunnel banked and landscaped over the top, starting to the south of the village of Chetwode and continuing through the high ground past Manthorne Farm, the Church of St Mary and St Nicholas, Chetwode village and School End to avoid the many injurious effects in the Parish of Chetwode. Your petitioner understands that the residents and parishioners of Chetwode enjoy the full support of their District and County Councils in petitioning for such a change to the construction of the scheme, and would respectfully point out that a tunnel on the alignment proposed by the Promoter would relieve many of the injuries to residents of Chetwode, the Conservation Area, the Grade I listed Church and the local environment identified in the Environmental Statement. Accordingly, your petitioner seeks an undertaking from the Promoter that the railway, will be placed in a cut and cover tunnel to minimise the local environmental impact, that corresponding changes will be made to all the subsidiary Works, and that the relevant Plans and Sections will be amended accordingly.
14. Very high noise levels from the operation of HS2 are predicted for over 10% of residential properties in Chetwode after the mitigation currently proposed by the Promoter. The Promoter or the Nominated Undertaker should, at a very early stage, seek to agree a specification for further, more effective mitigation against the noise impacts. Over 30% of properties in Chetwode are predicted to experience in-combination effects of significant visual and noise effects which, it is stated in the Environmental Statement, would have a major adverse effect. Current proposed mitigation of earthworks and noise barriers is not sufficient. The Promoter should undertake further mitigation in the form of a banked, cut and cover tunnel. A cut and cover tunnel would be consistent with numerous Government statements of intent to minimize impact on communities and the environment.
15. Your petitioner is very concerned at the depopulation of the Parish of Chetwode, which has started already due to the blight from HS2. Many worshippers and Church officers have confirmed they will vacate their homes


and leave the village, drastically reducing the size of the congregation and the source of funds on which the Church of England depends for its ministry and for the upkeep of the Grade I listed parish Church. Fundraising is a fundamental responsibility of the Parochial Church Council and the loss of members of the Parochial Church Council and reduction in congregation inevitably results in a consequential crippling reduction in income. If this reduction in members means that those remaining are no longer sufficiently numerous and invested in the future of the Church, then the Church cannot continue to exist as a community organisation caring for its members and preserving its place of worship. The closure of the Church then becomes a necessity. Closure is not a possibility that the Chetwode Parochial Church Council has ever had to face until now, but it is a very real possibility and would leave an historic building of significant national importance essentially abandoned. Your petitioner seeks an undertaking from the Promoter that an endowment will be provided to produce the alternative revenue to continue to maintain the Church building as a monument in perpetuity. A cut and cover tunnel would save the village and the Church and would also save the money that it will cost the Promoter to buy the properties and compensate appropriately in the existing situation.

16. The Grade I listed Church of St Mary and St Nicholas in Chetwode is a Grade I building of great national significance with extremely fragile leaded windows containing some of the oldest in situ stained glass in the world, including an early 13th Century depiction of the "three lions" that are now in the arms of England. Your petitioner proposes that the Promoter should pay for an independent and suitably qualified historic buildings expert to survey the building and make recommendations for any further mitigation or repair that may be necessary. Similar reports must be commissioned from specialist stained glass and wall painting experts. The cost of implementing any recommendations from the independent experts must be born by the Promoter who must also establish a long term locally held fund to pay for any future repair work necessitated by the use of the line.
17. The Environmental Statement predicts that the Church of St Mary and St Nicholas will have its setting permanently changed by the movement of trains and the associated increase in noise. The Promoter or the Nominated Undertaker should, at a very early stage, seek to agree a specification for further, more effective mitigation against the impacts to this unique historic asset and its setting, in order to safeguard it for future generations.
18. Your petitioners have set out in the preceding paragraphs numerous harms that would befall residents, members of the Parochial Church Council, land owners, businesses, visitors, heritage buildings and the environment were the scheme to be constructed as proposed currently by the promoter. Although these harms might be moderated to a degree by the undertakings sought herein from the promoter, they would be alleviated further by constructing the entire section through Chetwode as a cut-and-cover tunnel, banked and landscaped over the top to prevent the requirement of lowering the route
19. 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 PETITIONER 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 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 petitioners will ever pray, &c.



Rupert Sweeting, Church Warden

On behalf of Chetwode Parochial Church Council

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AGAINST, By Counsel, &c.

Rupert Sweeting

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