

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

Against the Bill – 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 NATIONAL TRUST FOR
PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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 ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioners are the National Trust for Places of Historic Interest or Natural Beauty (commonly known as "the National Trust"). It is proposed by the Bill to authorise the compulsory acquisition of certain interests in land or property of your Petitioners and in accordance with the standing orders of your honourable House notice has been served on your Petitioners of the intention to seek such compulsory powers.

8. Your Petitioners were incorporated by the National Trust Act 1907 ("the 1907 Act") and under that Act and other legislation a number of important powers and protections have been conferred on them. Section 4(1) of the 1907 Act sets out the general purposes of your Petitioners as follows: "promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings) of beauty or historic interest and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life". Your Petitioners have more than 4 million members.
9. Your Petitioners allege that their rights, interests and property and those of their members will be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form, and your Petitioners accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.
10. Your Petitioners are neither for nor against the principle of high speed rail, but do believe that should the works authorised by the Bill be constructed, it should be done to the highest possible design and environmental standards.
11. Your Petitioners have worked for some time with other land owners in the vicinity of Hartwell and Waddesdon, notably the Ernest Cook Trust and the Waddesdon Estate, and there is agreement with them over a number of important issues raised in this petition.

Hartwell House

12. Your Petitioners own a leasehold interest in a property known as Hartwell House, to the west of Aylesbury in Buckinghamshire. Hartwell is operated as a hotel by Historic House Hotels Limited, a company wholly owned by your Petitioners. The property includes the House itself, which is listed Grade I, and the surrounding park and gardens, which were laid out by Richard Woods and are listed as a Grade II* Registered Park and Garden. The park and gardens accommodate a number of other listed structures and buildings. In this petition, the House, Park and Gardens are together referred to as "Hartwell", the house is referred to as "the House" and the park and gardens as "the Gardens".
13. In addition to the important statutory designations mentioned above, Hartwell is also held by your Petitioners in accordance with the provisions of section 21(2) of the 1907

Act, meaning that your Petitioners have determined that Hartwell is proper to be held for the benefit of the nation and shall be inalienable. In turn, that means Hartwell is afforded special protection in other legislation. For instance, wherever inalienable land of your Petitioners is subject to compulsory acquisition, and your Petitioners maintain an objection to that acquisition, then the instrument that authorises the compulsory acquisition becomes subject to Special Parliamentary Procedure. Parliament has acknowledged the very special nature of your Petitioners' inalienable land on a number of occasions, including in the Planning Act 2008, preserved by the Growth and Infrastructure Act 2013.

14. The Bill would authorise the compulsory acquisition of an area of the Gardens in the north eastern corner. The area of the Gardens to be acquired is required for the permanent railway, which when completed, will be located adjacent to the Gardens. The Promoters intend to screen the railway by a fence and tree planting. There will also be a new footbridge crossing the railway very near to and visible from the Gardens. Extensive construction works will take place right next to the remaining part of the Gardens and those works will be carried on for a number of years.
15. Your Petitioners are gravely concerned about the effect that the construction of the railway works and the operation of the railway will have on Hartwell. The matters which most concern your Petitioners are noise, visual impact and (during construction) dust. Your Petitioners are keen to ensure that the integrity of Hartwell is preserved and that, in compliance with government policy on heritage, the viability of the use to which it is put is preserved.
16. Your Petitioners have expended a great amount of effort in seeking to persuade the Promoters of the Bill to provide mitigation which would meet your Petitioners' concerns. Before the draft environmental statement for HS2 was published in May 2013, your Petitioners presented mitigation proposals to the Promoters, consisting of a "land bridge" design over the proposed railway. In the draft environmental statement, the Promoters welcomed your Petitioners' constructive approach and indicated that they would consider the proposals in more detail before publishing the Bill and the environmental statement that accompanied it ("the ES"). Your Petitioners were very disappointed to note that your Petitioners' proposals were not included in the Bill and the ES, despite it acknowledging that the impact on Hartwell would be 'Significant adverse'. There is no suggestion that the Promoters consider there to be

any engineering or other reasons why your Petitioners' proposed land bridge is not capable of being constructed, in fact your Petitioners have a letter from the Promoters confirming that is. Your Petitioners welcome the commitment made by the Secretary of State on second reading to continue to talk to your Petitioners about their idea for a land bridge near Hartwell House, and hope that those discussions will result in a satisfactory outcome for your Petitioners.

17. Your Petitioners proposals would not only benefit Hartwell by ameliorating the visual impact and the impact of noise in the long term, but would also secure a wider public benefit by providing an easier to use (for humans and wildlife) and more attractive link between Aylesbury and the proposed mitigation area on the east side of the railway to land on the west side. Your Petitioners remain of the view that a land bridge proposal still provides for the most appropriate measure by which to offset the significant adverse effects that have properly been recognised in the ES, by connecting the landscape, reducing noise, reducing the amount of historic parkland wall that needs to be removed and removing the need for the more visually intrusive footbridge over the railway.
18. Your Petitioners would respectfully ask your honourable House to amend the Bill so that the land bridge proposal favoured by your Petitioners at Hartwell is constructed instead of the proposed footbridge mentioned above and the inadequate mitigation proposals provided for in the Bill. If your honourable House does not agree with your Petitioners' land bridge proposal, then your Petitioners would suggest that the Promoters should be required to improve significantly the mitigation proposals in other ways, including an amendment to the Bill so that the proposed footbridge mentioned above is moved further from your Petitioners' property.
19. Finally in relation to Hartwell, your Petitioners are pleased to note that the Bill includes proposals for the realignment of the A418 at Sedrup, which will have a beneficial impact. Your Petitioners are keen to ensure that the proposal remains in the Bill.

Waddesdon Manor and Estate

20. Waddesdon Manor (a Grade I listed building) and the surrounding Grade 1 historic park and garden (together referred to as "Waddesdon") is in the ownership of your Petitioners. Although it is not liable to compulsory acquisition under the Bill, it is close

to the proposed works, and will be affected by them. Waddesdon is surrounded by views of Oxfordshire, the Chiltern Hills and the Vale of Aylesbury and has one of the finest Victorian gardens in Britain. It attracts more than 300,000 visitors a year, making it one of the most visited of all your Petitioners' properties.

21. Your Petitioners were pleased when they were informed that the A41 road realignment that is proposed in the Bill was to be preferred to the previous proposal for a flyover structure, which was far more intrusive. Nonetheless, your Petitioners seek more evidence to demonstrate the effect of the proposal on Waddesdon, and whether the situation can be improved further. Unless such evidence is provided, your Petitioners would ask that consideration be given by your honourable House to amendments to the Bill that would require the railway to be constructed over the A41. Your Petitioners would also ask your honourable House to amend the Bill so that the proposed new footbridge to the east of the A41 crossing of the railway should be contained in a short tunnel. Your Petitioners are also concerned about the effect of the proposed new road configuration on Grand Lodge, which forms part of the Waddesdon Estate, and would ask that the proposed road layout is reconfigured at that location so as to reduce the impact.

Claydon House

22. Your Petitioners own the Grade I listed Claydon House and the Grade II historic park and garden, which is located near to Calvert, where there is a proposal under the Bill for the construction of an Infrastructure Maintenance Depot. In the ES, the Promoters accept that the proposed works will have an impact on Claydon House and Estate but in your Petitioners' opinion, the ES underplays the consequences of the combination of HS2 and other projects (notably the proposed East-West railway and energy from waste plant) that will have an impact upon this area. Your Petitioners consider this to be a matter which deserves further attention and one that should be the subject of a masterplan, taking into account all the cumulative effects of the various schemes and utilising a landscape and land use scale type approach, so as to present a more integrated approach to the Claydon-Calvert -Bernwood Area. Your Petitioners ask your honourable House to impose requirements on the promoters to undertake to take forward a process of that nature, which must involve your Petitioners fully.

Effect of the railway on the Chilterns AONB

23. Your Petitioners have a general concern about the effect of the Bill's proposals on the Chilterns Area of Outstanding Natural Beauty ("the AONB"), which is a nationally protected landscape. The AONB is noted for its natural beauty and harbours a great deal of wildlife and habitat, some of it protected. Your Petitioners note that the proposals in the Bill will mean that the railway is carried from the southern edge of the AONB in a tunnel, emerging into ancient woodland at Mantles Wood and then being carried overground through the Misbourne Valley to the northern edge of the AONB.
24. Your Petitioners have a particular concern about the use of a process which the Promoters euphemistically call "sustainable placement", but is in effect the placing of massive amounts of spoil throughout the trace of the railway in the AONB and elsewhere near properties owned by your Petitioners. The promoters should be put to proof as to whether this method of dealing with spoil is appropriate, particularly in the AONB.
25. Your Petitioners are aware that local authorities for areas within the AONB and others will be asking your honourable House to amend the Bill so it provides that the railway is contained in a bored tunnel throughout the whole of the AONB. Your Petitioners support the case in principle for a fully bored tunnel, assuming that it is technically feasible. Not only would this provide significant additional protection for the AONB generally, but it would also provide benefit in relation to views from your Petitioners' property at Coombe Hill, from which the proposed maintenance loop that forms part of the works authorised by the Bill would be clearly visible.
26. Your Petitioners seek full details of robust safeguarding measures to protect the character and appearance of the conservation areas at Bradenham and West Wycombe, both, along with their associated estates, situated within the AONB and owned by the National Trust. Your Petitioners are particularly concerned about the use of local roads for construction traffic, and seek assurances from the Promoters that the roads which serve these communities, in particular the A4010 Wycombe Road and Bradenham Road and the A40 Oxford Road will not be used for HS2 construction traffic at these locations, to ensure their special character is preserved as required in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology and protected species

27. In addition to the general concerns expressed elsewhere in the petition about the effect on the AONB, your Petitioners have specific concerns about the effect of the proposed works on natural habitats and protected species. In their response to the consultation on the ES, your Petitioners queried the adequacy of the cumulative assessments made in respect of Hartwell and the Calvert/Claydon area. In relation to protected species, your Petitioners are unconvinced that adequate mitigation proposals have been proposed. In particular, the proposals for mitigating the adverse impact on the Bechstein's bat lack sound scientific basis, are not properly thought through and should, in your Petitioner's submission be reconsidered.

Archaeology

28. The nominated undertaker should be required to provide adequate opportunity and funding for archaeological investigation at an early stage in respect of the work sites along the proposed route. In your Petitioners' submission the Nominated Undertaker should be required to agree a programme of such work with relevant local authorities and English Heritage, in consultation with your Petitioners. The funding of this should be borne by the nominated undertaker.

Environmental statement: adequacy and accuracy

29. In accordance with the standing orders of your Honourable House, comments on the ES were invited in the newspaper notices that were published when the Bill was deposited. Your Petitioners accordingly sent detailed comments in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioners raised many concerns about the adequacy and accuracy of the ES in relation to a number of matters, including the impact on the ecology, landscape and visual effects and on heritage. Fundamental deficiencies in the ES have been identified by your Petitioners. It is noted also that the Environmental Audit Committee of your honourable House raised its own concerns about the ES in its report entitled "HS2 and the Environment".
30. It is vital that the deficiencies in the ES identified by your Petitioners are remedied by the Promoter of the Bill, whether by way of an addendum to the ES or otherwise. One reason this is so important is that the Environmental Minimum Requirements, which

have been produced by the Promoters in draft, contain important obligations which will fall on the nominated undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the ES and depend upon its accuracy.

General

31. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.



SHARPE PRITCHARD LLP

Agents for the National Trust for
Places of Historic Interest or
Natural Beauty

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AGAINST,

BY COUNSEL, &c.

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