

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 THE LEE OLD CHURCH TRUST
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.

Your Petitioner

7. Your petitioner is The Lee Old Church Trust (Registered Charity No 286870). The Old Church is located 900m from the proposed line and the impact of HS2 will impinge on the character and environment of the Old Church and its surroundings within the Chiltern Area of Outstanding Natural Beauty ("AONB").
8. The Lee Old Church is of the 13th century early English Gothic period and its origins can be traced back to 1146. There are a number of rare features of significant historical and architectural interest including Rare 13th Century Glass showing the Crucifixion and the figures of St Mary and St John and Wall Paintings dating back to the 14th century. With the building of a new church in 1867, the Lee Old Church became a school. Gradually its condition deteriorated until the roof became in need of retiling in the early 1970s. Over the next 10 years members of local community obtained permission from the Church of England to take over responsibility for the upkeep of the church whilst it remained a consecrated building. In September 1982, The Lee Old Church Trust was established and funds raised for the restoration of the building. Today, The Old Church is used for church services, Sunday School meetings, Quiet Days, Recitals, Talks and summertime Cream Teas. The Lee Old Church has a widespread reputation as a place of tranquillity which make it a favoured location for quiet days and a place for quiet reflection and contemplation.
9. A building as old as The Lee Old Church can be susceptible to a variety of changes in its local environment and if HS2 created vibration this could cause damage, particularly to the windows.
10. The majority of people who use The Lee Old Church are residents covered the areas included as CFAs 9 and 10 in Vol 2 of the HS2 Phase one Environmental Statement issued by the Department for Transport ("DfT") and HS2 Ltd, although some come from further afield including Thame & Beaconsfield. All these people will be in affected by HS2, during construction and after completion by its operation.
11. The Lee Old Church Trust considers The Lee Old Church building and its members, users and visitors ("members") for the activities stated above will be adversely affected by HS2 whether such members arrive by foot, bicycle or car. This will decrease the income of The Lee Old Church Trust and its ability to maintain the ancient building.
12. The Lee Old Church Trust was established in order to restore and maintain The Lee Old Church as a place of tranquillity which make it a favoured location for quiet days and a place for quiet reflection and contemplation. It sits in the AONB which will itself be specially and directly affected by HS2. The Chiltern AONB is a unique national asset often referred to as the lungs of London and visited by the people of

London and beyond over 50 million times a year. Accordingly, The Lee Old Church Trust supports actions to conserve, protect and improve the physical and natural environment of the AONB.

13. Your Petitioner understands that there are a number of proposals to increase the length of the tunnel through the AONB. In particular, your Petitioner is aware of the proposed tunnel put forward by Chiltern Ridges HS2 Action Group ("CRAG"), which has considered and addressed by DfT in Volume 2 CFA 9 of the Environmental Statement referred to above.
14. Your Petitioner notes that the single greatest issue of concern for respondents to consultation on the Environmental Statement was minimising the impact of the proposed route through the AONB
15. Your Petitioner has responded to consultations during the last 4 years.
16. Your Petitioner and the rights interests and property of it and its members are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

Tunnel throughout the Chilterns AONB

17. Your Petitioner is concerned that the termination of the north of the tunnel at Mantles Wood has a serious and injurious effect on this part of the AONB. From Mantles Wood to Wendover, Buckinghamshire, 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.
18. 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 members to enjoy the natural benefits of the area in which they live.
19. 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.
20. Your Petitioner requests that AONB be protected from the effects of this grave planning error by amending the Bill to require the construction of a tunnel through the whole of the AONB section of the proposed line and accordingly to adopt the CRAG TS2 proposals or other alternative tunnel proposals, which will ensure that the line passes through the whole of the AONB in a bored tunnel. The CRAG T2 proposal was referred to in the Environmental Statement and has been accepted by DfT and HS2 Ltd, in that Statement, as both feasible and environmentally preferable.

21. A bored tunnel through the whole of the AONB would remove the adverse effects complained of in the remainder of this petition, and the need for the proposed remedies otherwise required.
22. Your Petitioner, The Lee Old Church Trust, requests that if the proposal for a bored tunnel through the whole of the AONB is rejected then the following mitigation measures should be adopted and implemented.

Construction traffic

23. Your Petitioner is concerned at the safety of the narrow roadways for the proposed construction traffic and other users, particularly in the light of the heavy construction traffic movements and the possibility of exercising powers to widen this road with no legal constraints all of which will have a major adverse effect on residential amenity of the local area. Furthermore, the working hours and flexibility set out in the Code of Construction Practice will directly and adversely affect the lives of the local community for many years.
24. Members regularly use the network of narrow lanes in the AONB which will cross the proposed line or run adjacent to it, including Leather Lane, Frith Hill (South Heath leg) Potter Row, Kings Lane, Bowood Lane and Chesham (Rocky) Lane, for their daily routines of business, recreation and leisure. Your petitioner regards these lanes as a characteristic feature of the area which should be protected in accordance with the Countryside and Rights of Way Act 2000.
25. Your Petitioner is also concerned that traffic seeking to avoid congestion during the construction period will place a further burden on the roads in this community, which are already under pressure.
26. Your Petitioner request that the detailed provisions of the Code of Construction Practice are amended to provide more detailed and actionable protection for property owners near to the proposed line, including independent assessment of the Contractors' compliance and with sanctions for any breach.
27. Your Petitioner therefore requests that the nominated undertaker be required to mitigate the remaining nuisances, by amending the Code of Construction Practice to enforce the following measures:-
 - i. Restricting HGV movements to the period 09:30 – 15:30 throughout this section of the AONB.
 - ii. Additionally prohibiting HGV movements along school routes between 15:00 and 15:30.
 - iii. Prohibiting any widening or enlargement of the narrow minor lanes
 - iv. Constructing new roads to access the trace directly from the A413, and prohibiting the use of all existing narrow minor roads in the AONB by construction traffic.
 - v. 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.

- vi. Constructing such facilities as may be necessary to remove spoil from the AONB by rail or by pipeline, so avoiding the creation of the spoil dump at Hunts Green.
- vii. During construction, the nominated undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads must be returned to its original size and character, and all damage repaired by the nominated undertaker.

Noise, dust, & vibration pollution.

28. Your Petitioner is concerned about the effects of the noise arising from the construction of the high speed railway and associated development including heavy lorry traffic on those visiting The Old Church.
29. Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise in this tranquil area of the AONB. Noise would severely impact upon the use and enjoyment of the area by members.
30. Your petitioner is responsible for a property at an elevation 195m, one of the higher parts of the AONB. The location of the works and the expected spoil materials and storage and removal of the same are that such that noise, dust and vibration pollution are likely to be intolerable for health and require additional property cleaning & maintenance.
31. Your Petitioner is concerned about the effects of vibration arising from the construction and operation of the high speed railway and associated development including heavy construction traffic. Vibration will severely impact upon the use and enjoyment of the local area and on the neighbourhood's general amenity. Your Petitioner is especially concerned about the effects of vibration on the ancient building for which it is responsible.
32. Your petitioner is concerned that HS2 Ltd have not set proper noise thresholds and ignored national policy in this area and the views of the World Health Organisation and that that the specific impacts of ground-borne noise have not been properly considered or explained and that the limit for ground-borne noise does not reflect recent or practice or experience. Your Petitioner is also concerned that the effect of clause 35 and Schedule 25 of the Bill could provide a defence to statutory nuisance for the nominated undertaker.
33. Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the properties and there are no other adverse effects. This should include suitable sound barriers which ensure compliance with World Health Organisation's ("WHO") acceptable peak sound levels, particularly along the open and raised sections of the line, including viaducts and embankments.

34. Your Petitioner requests that there should be binding mitigation measures, including an effective noise mitigation and monitoring system, in place before commencement and during construction and operation of the high speed railway and associated development.
35. The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled "HS2 and the Environment thirteenth Report of Session 2013-2014" dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.
36. Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
37. Your Petitioner therefore requests that Clause 35 and schedule 25 are deleted from the Bill.
38. Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques and the highest level standards of in the construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in local properties and there are no other adverse effects.
39. Your Petitioner requests that there should be binding mitigation measures, including a vibration and resultant damage monitoring system, in place before commencement and during construction and operation. Binding mitigation measures should include but not be limited to an express obligation to undertake specific measures to limit structural and other damage to the properties, installation of noise barriers which ensure compliance with WHO acceptable peak sound levels and the integration of full barriers into the structural design of viaducts with shallower support structures beneath track level.
40. Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on The Old Church, its members, and the environmental quality of the neighbourhood.
41. Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the proposed location of the sustainable placement areas for spoil at Hunt's Green, prevailing wind direction and the amount of earth to be moved.

42. Your Petitioner requests there should be a precise, comprehensive and binding management plan for dust, with a clearly defined authority for the monitoring of its implementation.
43. Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the guidance on the planning for mineral extraction in plan making and the application process issued 6 March 2014.
44. Your Petitioner requests that there is a requirement to carry out additional mitigation if dust becomes a nuisance to the local neighbourhood. Your Petitioner requests that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of expenses caused by dust and dirt in the local community.
45. Your Petitioner requests the best means available for minimising noise, dust and/or vibration both during construction and operation are utilised.
46. Your Petitioner requests that noise, dust and vibration monitoring equipment is installed at the construction sites for the duration of construction, and a monitoring programme agreed with the Local or County Authority is undertaken with ability for the Local or County Authority to impose sanctions for breach and that finance be provided for this purpose. If monitoring shows that the noise, dust or vibration thresholds are exceeded, mitigation should be immediately undertaken with sanctions for breach.

Visual pollution

47. Your Petitioner is concerned that when constructed as proposed, HS2 will be a scar on the landscape and the local area will be less attractive to members.
48. Your Petitioner is concerned about the visual impacts in the AONB of the construction of works authorised by the Bill.
49. Your Petitioner requests that tree planting is carried out prior to the commencement of any construction to ensure that screening is effective to some extent prior to construction, such planting to be designed in consultation with the local community and species used to be in keeping with the surrounding environment.
50. Your Petitioner is gravely concerned that the building of the line coupled with the existing electricity pylons alongside the line will create an unacceptable visual impact along the AONB section of the line from Mantles Wood to Wendover in particular and that these, coupled with the raised embankments and viaducts plus the overhead lines and gantries, would together constitute a major eyesore along this section of the AONB.

51. Your Petitioner requests that, in the event that it is not accepted to run the line through a continuous tunnel below the AONB, then, as a minimum, the electricity pylons along this section of the line (some of which are to be removed temporarily in any event) are removed permanently and that instead of the power supply for this section is installed and located below ground.
52. Your Petitioner is concerned that when HS2 is in operation it will cause significant noise and light pollution, causing injurious adverse effects on members.
53. Your Petitioner requests that the provisions of the Bill are amended to require that the construction specification includes highest international standards of construction & material to minimise noise & light pollution. This is particularly important in relation to viaducts, of which one is close to The Lee Old Church Trust.

Emergency & Public Services, disruption to daily routines

54. Your Petitioner is concerned that the disruption caused by the construction of HS2 will have an adverse impact on the ability of the emergency services to access incidents as quickly as is currently possible. The fire and ambulance services currently serve the local community from great Missenden, High Wycombe & Stoke Mandeville which are all to the west of the proposed route. The A413 & A404 are important routes for the emergency services and will also be used by HS2 construction traffic.
55. Your Petitioner is concerned that the disruption to the daily routines of members caused by the construction of HS2. It will have an adverse impact on the daily lives of the local community which live to the east of the proposed route, whereas doctors surgery, hospital, schools, pharmacy, shops, post office, banks, railway station (commuting), & leisure facilities are to the west of the proposed route.
56. Your Petitioner requests that the provisions of the Bill are amended to require that during the construction there are no public road diversions or traffic management systems which increase the journey time from any of the above mentioned locations by 90 seconds.
57. Your Petitioner requests that HS2 Limited enters into discussions with the Highway authorities, Ambulance & Fire Services, and Police on providing a comprehensive traffic management plan which will enable the continued operation of traffic including emergency services traffic and provide an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.

Spoil

58. Your Petitioner is concerned about the predicted impact of the proposals for waste management within the AONB and that the option of using the HS2 construction route to transport the surplus waste to a point where it could be used beneficially in the restoration of a mineral working or of a partially full landfill does not appear to have been explored.

59. Your Petitioner considers the use of 'sustainable placement' in the AONB as a contravention of the provisions protecting the AONB in the Countryside and Rights of Way Act 2000. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding Natural Beauty. A spoil heap will create an unacceptable scar in the AONB.
60. Your Petitioner requests that HS2 Limited be required to come up with an effective waste disposal strategy which reflects relevant legislative requirements. Such arrangements could include for the spoil to be removed from the area by rail or pipeline.
61. Your Petitioner notes that, if the full tunnel proposals are adopted, then the amount of spoil involved for the local section of the line will be substantially reduced. Furthermore, spoil can be removed at the Wendover exit of the tunnel, where arrangements can be made for the spoil to be moved to suitable destinations by rail or pipeline.

Route Choice

62. Your Petitioner notes that much of the environmental and social pollution arises from the design of the route which was made when the key criteria was speed. Notwithstanding that speed is no longer the key criteria (now replaced by capacity) the route has not been changed to a more environmentally and socially cohesive route, causing less property blight.
63. Your Petitioner supports the alternative solution to HS2 produced by 51m, which would not have created all the issues listed above.
64. Your Petitioner notes that it is doubtful that the current route through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now apparent in constructing a line through the local area would have been made apparent.
65. Your Petitioner is concerned that the ES does not comprehensively or accurately assess or explain the environmental impacts inherent in the current proposals for constructing HS2 through the AONB and in particular is concerned that the ES does not accurately forecast the noise, waste and visual impacts of the current proposals through the AONB.
66. Your Petitioner emphasises that the mitigation measures included above would in largely 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 paragraphs 17 to 20 above.
67. For the foregoing and connected reasons your Petitioner respectfully requests that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.

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 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.

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF THE LEE OLD CHURCH
TRUST

AGAINST, By Counsel, &c.

Agent for THE LEE OLD CHURCH TRUST

Simon Morris

