

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 Denham Against HS2

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 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 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 residents of various villages in the Colne Valley, centred on Denham and including Denham Green, Higher Denham, New Denham, Denham Garden Village, Willowbank, West Hyde, Red Hill, Tatling End, Southlands and most of the Colne Valley Regional Park, a valuable area of Green Belt much used for recreation by local residents and visitors from further afield.

Denham Against HS2 is a local action group formed in 2011, with minuted, monthly committee meetings, bank accounts for funds raised, donations received and expenses incurred, and an elected Chair and Treasurer.

Your Petitioner, Francis Partridge, is the elected Chair and owner/occupier of The Byre, Savay Lane, Denham Green, UB9 5NJ, where your Petitioner has lived since 1998. Your Petitioner's property lies approximately 350 metres from the proposed Colne Valley viaduct, which will be clearly visible from the upper floor of the property. Several members of the committee own and occupy properties which will be similarly, or more seriously, affected by both the construction of your Promoter's project and its operation. Your Petitioners' properties and their everyday lives will be subject to continual noise, vibration, pollution, disruption and irreversible visual impacts throughout the construction period of at least seven years, and virtually

continuous train noise for up to 18 hours per day during the subsequent years of operation.

8. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

9. GENERAL OBJECTIONS

Your Petitioners oppose the Bill in principle. While your Petitioners acknowledge that the principle of the Bill was established at its Second Reading, your petitioners' views on the subject are so strong that they must be recorded in this petition. In the view of your Petitioners, the Bill's Promoters have not demonstrated a credible economic, strategic or environmental case for the proposed railway; that the powers sought in the Bill are excessive and that the environmental, social, economic and health impacts of the project have not been properly assessed.

Your Petitioners object to the way public consultation has been undertaken and reported prior to deposit of the Bill. Information provided by the Promoter has been piecemeal, incomplete, at times misleading, at times erroneous, and often difficult to access. Your Petitioners have attempted to engage with the Promoter during the Community Forum process, through both formal consultations and direct communication, but have not had the majority of their questions answered or their concerns and suggestions addressed. As a consequence, your Petitioners feel that they still lack information about important aspects of the proposed scheme and its construction that are likely to have adverse impacts on them.

COLNE VALLEY VIADUCT

The majority of your Petitioners live either within sight or earshot of the proposed Colne Valley viaduct. According to the published plans the viaduct will be 15m above water and ground level, with overhead catenation adding to its height and visual impact. Most of the viaduct will cross lakes, and your Petitioners believe that these bodies of water will amplify the noise of passing trains, especially after they emerge from the tunnel portal at Ickenham. Your Petitioners believe that the promoters of the Bill have not taken this sufficiently into account in assessing noise impacts.

Your Petitioners request that if the existing route is to be retained, a tunnel is constructed under the Colne Valley to create a continuous underground, unobtrusive link between north-west London and mid-Buckinghamshire, extending beyond Amersham to the Vale of Aylesbury. This would also avoid irreversible damage to the

Colne Valley Park and the Chilterns Area of Outstanding Natural Beauty (AONB), which many of your Petitioners use for recreation.

In the event that your honourable House were to decide not to require a tunnel, your Petitioners request that the train speed on the viaduct be reduced to a level that does not generate a dangerous decibel level as trains pass overhead, taking into account the fact that on some occasions trains might be passing in both directions simultaneously.

Your Petitioners further request that the hours of operation and maintenance be curtailed to provide an acceptable period of night-time quiet for residents living nearby.

Your Petitioners further request that the Promoter be required to monitor noise levels during operation and enforce limits that comply with the World Health Organisation's recommendations on best standards.

LIMITS OF DEVIATION

Your Petitioners are concerned that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaken can deviate vertically upwards (not exceeding 3 metres), vertically downwards to any extent and laterally to any extent within the limits of deviation shown in the deposited plans. Your Petitioners are concerned that these deviations could have significant impacts, for example by raising the track height to the detriment of the landscape.

These potential impacts are inadequately addressed by the Environmental Statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures that would reduce the environmental impact, provided it does not add unreasonable cost or delay to the construction and operation.

Your Petitioners request that the provisions in the Bill to allow deviation upwards or laterally should be deleted.

LAND ACQUISITION

Your Petitioners are concerned about the powers to acquire land compulsorily as set out in clause 4 of the Bill, and believe that the powers sought exceed what is required to achieve implementation of the project. Your Petitioners believe that the

powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create additional blight.

Your Petitioners seek an assurance that the Secretary of State will acquire no greater amount of land than is reasonably required for the construction and operation of works authorised by the Bill. Your Petitioners respectfully request that clause 47 be removed from the Bill.

IMPACTS DURING THE CONSTRUCTION PERIOD

The Colne Valley has been designated by the Promoter to be the location of what your Petitioners believe is the largest concentration of construction works of any designated rural area along the first phase of the proposed railway between London and the West Midlands. The Colne Valley workings would include five main construction compounds, seven satellite compounds, two worker accommodation sites, five electric stations and sub-stations, six diverted Public Rights of Way and sixteen stockpiles of construction materials. In effect, the Colne Valley would become the 'dumping ground' for all the material to be excavated through the two tunnel portals, near Ickenham and Chalfont St Peter, on either side of the valley, and the construction of the planned viaduct across the lakes of the Colne Valley Regional Park and the Mid Colne Valley Site of Special Scientific Interest (SSSI). Your Petitioners regard this as a disproportionate and unnecessary burden for the Colne Valley to bear, and by the middle of the next decade your Petitioners feel this attractive region would be unrecognisable if the project is allowed to proceed in its present form.

Your Petitioners are concerned that there appears to be no mechanism in the Bill to deliver a properly noise-mitigated railway. They are further concerned that the basic calculations needed for forecasting noise impacts have not been correctly identified and have been set too high in the Environmental Statement, leading to material underestimation of the adverse noise impacts likely to arise from the operation of the railway.

Your Petitioners therefore request that the best available means for minimising noise, vibrations, dust and light pollution during construction and operation are utilised.

They further request that the Bill's Promoters be required to set noise limits for construction which are in line with the World Health Organisation's guidelines on peak noise: maximum 60db pass-by outside, giving 45db inside.

Your Petitioners further request that monitoring equipment for noise, vibrations and pollution is installed at sensitive points for the duration of construction, with clear noise and pollution thresholds stated. If monitoring shows that the permitted levels have been exceeded, your Petitioners request that work should cease immediately and not resume until noise mitigation devices have been installed in affected properties.

VISUAL IMPACTS

Your Petitioners are concerned about the visual impacts of the construction camps and other installations in the Colne Valley, as well as the loss of ancient woodland, flora and fauna that would be necessary for construction to proceed. The visual impact would be particularly acute in the Mid Colne Valley SSSI, the outstanding scenic setting of the Colne Valley.

Your Petitioners request that tree planting is carried out prior to construction to ensure some level of screening of the construction works. This planting should, as far as possible, be in keeping with the surrounding environment, although the Petitioners regret that replacing ancient woodland is impossible: there is no mitigation for the loss of this resource.

In the event that the Promoter of the Bill decides to proceed with construction of the Colne Valley viaduct, your Petitioners request that they and other local residents should be consulted meaningfully on the detailed drawings and plans for the structure. The published plans indicate that the viaduct's design would not be in keeping with the surrounding environment, and will have a significant negative impact on the landscape. Your Petitioners request that the structure must be designed in sympathy with the land and water it crosses, and be maintained to a high standard throughout its life. Visual screening should be put in place, and this must also be properly maintained.

TRAFFIC CONGESTION

The Promoter intends to have uninterrupted access to every major road and some minor roads in the Colne Valley for its heavy construction vehicles. Your Petitioners believe that in an area where peak period traffic levels are already problematic this will result in severe traffic congestion and disruption to local public transport services across a wide radius. It will create intolerable delays for commuter traffic, the daily school run, bus services and emergency vehicles, and increase the danger to pedestrians and cyclists.

Your Petitioners ask that the Promoter be required to give an undertaking that construction traffic is managed in such a way that at least one public transport route through the Colne Valley is kept clear of construction traffic at all times of the day and night to allow bus services to maintain their existing timetables.

Your Petitioners ask that they be consulted meaningfully about any proposed diversions to local bus routes.

Your Petitioners ask that the Promoters be required to give an undertaking that construction traffic movements will be restricted to a level that does not adversely affect response times for emergency vehicles. This could be done by capping the number of movements permitted in a 24-hour period and the number of local roads affected at any one time.

Your Petitioners further request that any damage to roads caused by heavy good traffic during the construction period should be repaired immediately at the expense of the nominated undertaker. After construction, any diverted roads should be returned to their original state and position, as far as possible. Your Petitioners request that a hotline is established to enable road-users to report any damage to the carriageway, and the highway authority should have full access to all such reports, to ensure that complaints are addressed within a reasonable period of time.

RAIL

Those of your Petitioners who rely on the Chiltern Lines service between Denham/Denham Golf Club stations and Marylebone Station in Central London request that Chiltern Lines passenger services be protected throughout the period of construction, and the frequency of local services increased, if possible, to compensate for disrupted road journeys.

RIVERS AND FLOODING CONCERNS

The low-lying Colne Valley, which includes the floodplain of the Rivers Colne and Misbourne, is periodically prone to flooding. During the winter of 2013/14 record water levels were recorded in both rivers, but this was not taken into account by the Promoter's Environmental Statement, which relied on much lower readings taken by the Environment Agency in 2001. Your Petitioners request that the water levels of both rivers are continuously monitored throughout the construction period and beyond.

The River Misbourne is a rare chalk stream that flows through the Colne Valley from the Chilterns to the River Thames. Your Petitioners are concerned about the possible impact of widespread construction that could exacerbate both flood risk and damage. For instance, it is planned to dump millions of cubic metres of spoil from the tunnels on safeguarded farmland in the valley. It is feared that these heaps will create additional problems in the surrounding areas by forming new drainage channels. Your Petitioners believe that Higher Denham and the 'island' of Willowbank would be especially vulnerable to rising river levels.

Your Petitioners are concerned about the potential negative impacts that the planned diversion of the River Colne would have on local ecology. Many of your Petitioners walk regularly along the banks of the river to enjoy its wildlife and ecology. Your Petitioners request that an alternative scheme is put in place that would obviate the need for the River Colne to be diverted.

PUBLIC RIGHTS OF WAY

Your Petitioners are regular users of PRoW around the Colne Valley and are concerned about the impact of works authorised by the Bill on these footpaths. Specific concerns are the connectivity between the CPS/43/2 and the CSP/16/1 and CSP/44/2. The current proposal is a 2km detour to this route, which would directly affect your Petitioners and make the use of this PRoW unviable.

Your Petitioners ask that the number of local PRoW proposed to be stopped up or diverted be reduced significantly so that an adequate level of local amenity is preserved during the construction period and beyond.

Your Petitioners request that the hedgerows the Promoter intends to destroy alongside the ancient Old Shire Lane are preserved in perpetuity.

ECOLOGY AND ANCIENT WOODLAND

Your Petitioners are concerned that approximately one hectare of ancient woodland will be lost in the Mid Colne Valley. This would harm the biodiversity of the area, destroying one of the two breeding sites for the pochard duck and the only local habitat of the corn bunting. Ancient woodland is an irreplaceable natural resource of great importance for its wildlife, soils, recreational uses, cultural value and the contribution it makes to our diverse landscapes.

Your Petitioners are particularly concerned about adverse impacts of the Bill on Northmoor Hill Wood, Battlesford Wood and Little Halings Wood, all of which lie on

the fringes of Denham and would be significantly reduced or fragmented by the construction of the railway, as presently planned.

Your Petitioners are also concerned about the impact of the Bill's proposals on public access to and enjoyment of Northmoor Hill Wood, Battlesford Wood and Little Halings Wood, and believe that your Petitioners' enjoyment of those woods will be diminished by construction works and activities.

Your Petitioners ask that the Bill should not become law unless proposals are brought forward which significantly reduce the extent of loss of ancient woodland.

Your Petitioners ask that easy and safe access to the remaining areas of woodland and nature reserves in the Country Park should be maintained throughout the construction period, to enable their continued use for recreation.

Your Petitioners further request that any new planting carried out to compensate for the loss of woodland should be in keeping with the surrounding ecology. In the view of your Petitioners, whips in plastic tubing do not constitute adequate replacements for ancient trees that are felled.

RECREATIONAL LOSS

Your Petitioners are concerned about the impact of construction on several angling lakes in the Colne Valley, particularly Savay Lake and Korda Lake, both of which are notable for the quality of carp fishing they provide. The owners of both lakes have reported that angling will be impossible during and after construction of the project.

Furthermore your Petitioners are concerned about the likely impact of the viaduct construction on the lake where Denham Water Ski Club is sited, and on Harefield Marina, which has 220 moorings in a secluded, rural setting.

Your Petitioners believe that the footpaths, canal towpath and nature reserves in the Colne Valley Regional Park will be permanently affected by the construction and operation of the railway, and the Park itself will suffer reputational damage as a consequence of the years of noise and pollution, to become a lesser attraction in the future. This important recreational amenity will be severely depleted by the Promoter's project, especially in connection with the Hillingdon Outdoor Activities Centre (HOAC), which is used by adults and children from a wide area, for both recreational and educational purposes. HOAC's Principal has reported that the Centre would be unviable after construction begins, because of its proximity to the Colne Valley viaduct.

Your Petitioners request that the owners and operators of all community amenities which are severely diminished or rendered unviable by the project, arrangements are made, before the construction period begins, to relocate them to acceptable, alternative sites or provide adequate financial compensation at the cost of the Promoter.

HEALTH ISSUES

Your Petitioners believe that the creation of dust, noise, poor air quality and 24-hour working will inevitably lead to severe sleep deprivation for the elderly, infirm and children with asthmatic and respiratory problems.

Your Petitioners request that health and stress clinics are established in Denham and Harefield to monitor and treat those who suffer illness, physical or mental, during the construction period and beyond.

SECURITY

Your Petitioners are concerned that the Colne Valley viaduct and related construction sites proposed for the area will become the focus of considerable hostility and protest both during the construction years and when the railway becomes operational. Your Petitioners fear that a viaduct constructed on pillars accessible from the surrounding fields, roads, Public Rights of Way and open spaces will become a target for graffiti and other types of vandalism.

Your petitioners believe that placing the route in tunnel instead of viaduct in the Colne Valley would reduce or remove altogether the number of sites that would attract criminal activity. If your Honourable House requires a tunnel instead of a viaduct your Petitioners believe that crime and security risks should be properly assessed and that adequate additional police resource is allocated to these sensitive sites.

Your Petitioners further ask that the design specifications for the viaduct should specifically include requirements to minimise the viaduct's vulnerability to criminal or anti-social activity.

CODE OF CONSTRUCTION PRACTICE

Your Petitioners are concerned that the nominated undertaker's accountability is not specified in the Bill. The Code of Construction Practice (COCP) fails to identify how

any lead contractors will be made to comply, and the redress and appropriate action that might be taken if the COCP is breached.

Your Petitioners therefore submit that the COCP should be incorporate into the Bill to become law. They request that Parliament and not the nominated undertaker should be accountable for the project. Any monitoring of the COCP should involve the relevant local authority as well as independent experts with effective oversight and redress arrangements in the event of non-compliance with the COCP.

COMPENSATION

Your Petitioners submit that the compensation provisions in the Bill relating to property that is *not compulsorily acquired* are insufficient to compensate your Petitioners adequately for the loss and damage they may incur as a consequence of the construction and operation of the project, and associated development.

Your Petitioners request that the Bill should be amended to ensure your Petitioners and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to more generous compensation than is presently being offered.

DEREGULATION

Clause 24 of the Bill provides for the disapplication of controls relating to Listed Buildings. Other clauses provide for disapplication of other types of control that protect land or buildings for environmental or heritage reasons. Clause 47, taken together with Clause 62, provides for the compulsory purchase of land that may be deemed suitable for development or regeneration. The Colne Valley contains numerous Listed Buildings, two Conservation Areas, areas of Green Belt and two Sites of Special Scientific Interest.

Your Petitioners believe that the powers sought in Clauses 24 and similar clauses, and in Clause 62, are excessive; that they go beyond what is necessary for the construction of the proposed railway, and that they present additional potential threats to the quality of local life. Your petitioners therefore ask that those clauses be removed from the Bill, or in the case of Clause 62, severely curtailed.

Furthermore your Petitioners ask that in view of the disproportionate burden of construction and operational impacts that will be experienced by their members,

provision be introduced to the Bill to ensure that the Green Belt and other categories of protected land in the locality have their protections preserved in perpetuity.

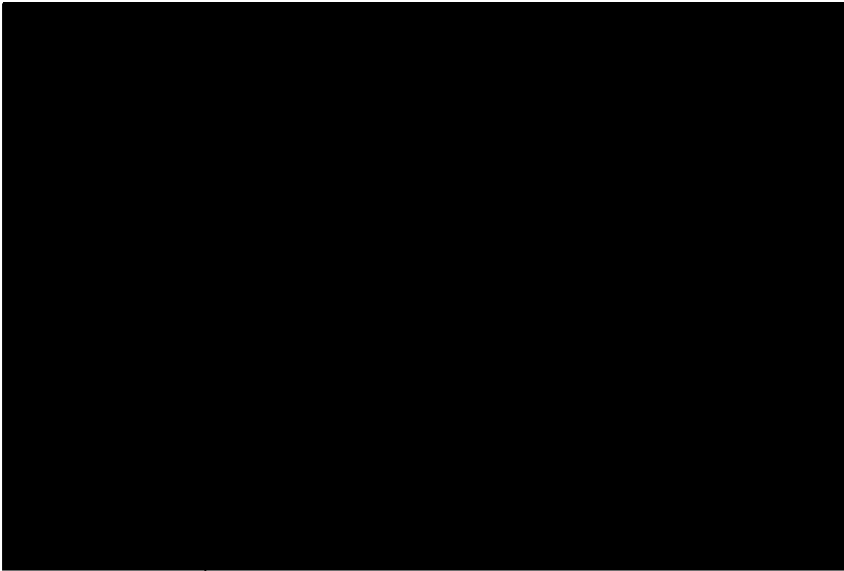
10. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. And the Secretary of State/Nominated Undertaker need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised.

Your Petitioners request that if the existing route is to be retained, a tunnel is constructed under the Colne Valley to create a continuous underground, unobtrusive link between north-west London and mid-Buckinghamshire, extending beyond Amersham to the Vale of Aylesbury. This would also avoid irreversible damage to the Colne Valley Park and the Chilterns Area of Outstanding Natural Beauty (AONB), which many of your Petitioners use for recreation.

11. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.
12. 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 PETITIONERS 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 Petitioners 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.



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