

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-2014

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 Barn Management UK (2) Ltd – Cudsdens Court

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 3, along with Schedules 1 to 4, authorise and detail the works to be done in relation to the construction and the operation of the railway (also “HS2”) mentioned in paragraph 1 above, including the associated stopping up and construction of highways. The railway works themselves are detailed in Schedule 1 and referred to as “the Scheduled Works”. Clauses 4 to 18 of the Bill, along with Schedules 5 to 15, deal with compulsory acquisition of land, the extinction and exclusion of rights over land and the temporary possession and use of land.
4. Clauses 19 to 36, along with Schedules 16 to 26, provide for deemed planning permission and deregulation, including in relation to listed buildings, ancient monuments, burial grounds, commons, water and noise.
5. Clauses 37 to 44, along with Schedules 27 to 29, deal with the regulation of the railway and provide for the appointment of a nominated undertaker to exercise the powers in the Bill (“the Nominated Undertaker”). Clauses 45 and 46, along with Schedules 30 and 31, make provision for statutory undertakers. Clause 47 provides a power to compulsorily acquire land for regeneration or relocation, whilst clause 48 provides a power to carry out reinstatement works. Other clauses within the Bill make provision for the Crown, for further high speed railway works and for the application of the Environmental Impact Assessment Regulations (defined as the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) or any regulations replacing them).

Your Petitioner

6. Your Petitioner is a company, set up in 2004 as part of farm / barn residential conversion in 1999, to manage and generally maintain the land and buildings of Cudsdens Court for and on behalf of the owners and occupiers of the residential dwellings there, and to carry out any other business convenient or advantageous to those purposes and do all things incidental or conducive to their attainment. This includes the conduct of any business that preserves any property belonging to the Company or its shareholders, namely the residents of Cudsdens Court.
7. Cudsdens Court is an isolated rural hamlet in proximity to, but well outside the village envelope of, South Heath in the heart of the Chilterns AONB. The hamlet comprises just six dwellings. It is situated at one of the highest points in the Chiltern Hills, which adds to its sense of isolation.
8. The owners of each dwelling in the hamlet has a share of freehold to the land comprising Cudsdens Court and is a shareholder in your Petitioner. It is worth noting that
 - 8.1. the Environmental Statement (ES) identifies Cudsdens Court specifically as having moderate cultural value, with HS2 having a "medium adverse impact and moderate adverse effect", due to a potential medieval farmstead located at Cudsdens Court¹
 - 8.2. Cudsdens Court has a Grade II listed granary within the curtilage of number 6 (The Farmhouse)²
 - 8.3. in granting planning consent in 1999 for the conversion of Cudsdens Farm (now renamed Cudsdens Court) into residential dwellings, Chiltern District Council applied nine restrictive planning conditions including specific requirements on external construction materials, landscaping, planting of hedging and trees and prohibiting any future development of Cudsdens Court with planning consent. The conditions were made in order ensure the external appearance was preserved and to prevent future development of the site which could be detrimental to the character of the AONB locality.
9. Cudsdens Court is a small rural community forever blighted by HS2. The community comprises twelve adults and five children. The households living at Cudsdens Court represent significant diversity ranging from an accomplished make-up artist, electrician, business people, two adults with disabilities and a retired couple. All share a passion for the Chilterns' Area of Outstanding Natural Beauty ("the AONB") and the accessibility to areas of tranquillity offered by life in a rural hamlet.
10. Cudsdens Court management group was a founding member of REPA, the Residents' Environmental Protection Association. REPA represents the interests of residents in the South Heath area, sharing resources and expertise in an effort to reduce the impacts of HS2, to secure effective mitigation from them, to help preserve the character and amenity of the area and to protect those who live here. South Heath was singled out in the Environmental Statement ("the ES") as the only place in Buckinghamshire to suffer significant community-wide adverse effects³. The impacts on Cudsdens Court are specifically detailed in the ES as **"the high magnitude of change assessed alongside the high sensitivity of the receptor**

¹ The ES wrongly lists the medieval farmstead as Cudsdens Farm (which no longer exists but was the name prior to conversion to Cudsdens Court) – see ES Vol2 CFA9 para 6.4.23

² This is wrongly listed in the ES as being at Cudsdens Farm (which no longer exists but was the name of the farm prior to conversion to Cudsdens Court) (see ES Vol2 CFA9 para.6.4.4)

³ Non Technical Summary, Section 7.4, page 44

will result in major adverse effect”⁴. Cudsdens Court responded to both the Draft ES and the final ES, on both occasions supporting the REPA responses, and highlighted the specific effects on Cudsdens Court. It has contributed to the Central Chilterns Community Forum Area and South Heath Action Group responses, and has met with HS2 Ltd as a Group, most recently in April 2014.

11. Your Petitioner’s members’ rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Your Petitioner’s objections to the Bill and requested alterations to it - in particular for an extension of the fully bored tunnel through the Chilterns

12. Your Petitioner is particularly concerned by the permanent impacts that include: speed, noise; spoil; loss of ancient woodland and other flora; loss of amenity for residents and visitors; heritage impacts; visual obtrusiveness of HS2 (including introducing balancing ponds; light pollution); loss of farmland; impacts on wildlife and habitats; air quality; property blight; limits of deviation; health and wellbeing; road safety. Similar concerns apply to the construction phase, involving over 7 years of work in the area.
13. Your Petitioner objects to all the impacts of the surface works and operation of the railway within the Chilterns’ AONB between Mantles Wood to Leather Lane, in particular to the works nos. 2/1, and 2/13 to 2/21, to the land acquisition and its designated uses, to the highways and electrification changes, in the parishes of Little Missenden, Great Missenden, Chartridge and the Lee, all as listed in Schedules 1, 3, 4 and 5 of the Bill, and objects to the clauses of the Bill which would authorise these works, acquisitions, land uses and changes.
14. Your Petitioner requests that the Bill be amended to require the railway to run in a fully bored tunnel for the full extent of the AONB, either as proposed by Chiltern District Council, or as proposed by CRAG (and recognised in the ES as being both technically feasible and environmentally superior to the Proposer’s scheme). If Parliament does not agree to either of these fully bored tunnelled solutions, your Petitioner requests that the Promoter’s planned bored Chilterns tunnel be extended at minimum from Mantles Wood to Leather Lane, which the Promoter also recognises as technically feasible and environmentally preferable.⁵ This would preserve a further 4km of the AONB for current and future generations, including a very significant proportion of the ancient woodland that will otherwise be lost, and prevent permanent severe detriment to the residents in this area – from its adverse effects from noise and vibration, and on landscape, biodiversity, cultural heritage, community integrity, agriculture and property blight.
15. Your Petitioner believes that the short extension to the bored tunnel to Leather Lane costs no more in engineering cost, land purchase and compensation cost than the scheme put forward by the Proposer, before taking into account the extensive environmental benefits. It can also be constructed without extending HS2’s overall period of construction.
16. In the event that the Bill is not amended to extend the bored tunnel at least to Leather Lane, your Petitioner’s members and your Petitioner’s area will suffer greatly, and a range of mitigation will be required, as set out below.

⁴ ES Vol 2 CFA9 para 9.4.65, page 152

⁵ See, for example, the Environmental Statement, Vol.2, CFA 9, pages 39-42.

Your Petitioner requests that Cudsdens Court be included in the Voluntary Purchase Compensation Scheme

17. If Parliament does not agree the minimum bored tunnel extension explained above, the impacts of the construction of HS2 on Cudsdens Court will be of such magnitude, when taken as a whole, that the adverse effects would be of such severity that it would not be possible for the community to reasonably live in Cudsdens Court, nor conduct a normal way of life, during the construction phase. The construction impacts in close proximity to Cudsdens Court are scheduled to last 7.75 years⁶.
18. Cudsdens Court lies just 122 metres from the centre of the new HS2 line, and just 2 metres from the VPZ⁷, and only 180 metres from a tunnel entrance. The six dwellings that comprise the Cudsdens Court hamlet lie between 145 and 175 meters from the centre of the line.
19. Your Petitioner contends that Cudsdens Court is in an exceptional situation where distance from the line, which defines access to the Voluntary Purchase compensation scheme, is not appropriate, as the construction impact also relates to the ancillary works e.g. temporary spoil heaps which in themselves have a major impact. That the safeguarded area stretches well beyond 120 metres from the line alongside three sides of the curtilage of Cudsdens Court illustrates that the line itself is not the only impact.
20. Furthermore, a significant part of Cudsdens Court drive and gardens have been safeguarded for construction, as part of the re-alignment of the B485, yet Cudsdens Court itself is excluded from the Voluntary Purchase compensation scheme.
21. Map CT-05-032 within the ES, Vol.2, CFA9 Mapbook, shows the construction impacts surround and consume Cudsdens Court creating a community which is severed from the surrounding community.
22. **Cudsdens Court is exceptionally and disproportionately affected by the construction phase.** The specific impacts being
 - 22.1. **Dust.** The creation of a material stockpiles (spoil heaps) to a height of 5 metres to the front and back of the property. The northern spoil heap stretches across two sides of the curtilage of Cudsdens Court and is located just 10 metres from the boundary and <20 metres from the nearest dwelling. The other, located to the south, is of enormous scale (500 metre long by 115 metres wide) and situated in a most exposed position and subject to the prevailing wind blowing dust directly onto Cudsdens Court. To the east of Cudsdens Court is the construction of the green tunnel, a main construction compound and tunnel entrance portal. HS2 Ltd's Environmental Survey (Volume-5/air-quality/Vol5_CFA9) classifies the impact of earthworks, construction and haul route in the "High" Dust Emission Class and states the dust risk category is "Large". Your Petitioner believes that the elevated position of Cudsdens Court, and its near continuous strong winds, will result in widespread detrimental air quality / dust from almost every direction.
 - 22.2. **Health.** Your Petitioner believes that the health of the residents of Cudsdens Court will be affected by the poor air quality. One household has two children, of primary school age, who both suffer from asthma. Another has a disabled person with limited lung capacity. HS2 have accepted from expert medical reports that the health of this individual will be seriously adversely impacted by the construction phase.

⁶ Environmental Statement, Vol.2, CFA 9, para 2.3.46 (page 26), and Table 18 (page 191)

⁷ Confirmed in meeting of 9th April 2014 at Cudsdens Court with Charlotte Brewster of HS2

- 22.3. **B485 Re-alignment.** Cudsdens Court is situated in close proximity to the B485 with closest dwelling only a couple of metres from the road itself. The roadworks associated with the re-alignment of the B485 stretches some 200 metres from the line i.e. overlaps the curtilage of Cudsdens Court. Furthermore, HS2 has safeguarded a sizeable part of the driveway and gardens of Cudsdens Court as part of the road re-alignment. Presumably traffic management will further add to lines of queuing traffic adjacent to Cudsdens Court resulting in an increase in poor air quality and loss of tranquillity.
- 22.4. **Road Safety.** Your Petitioner contends that the proposed re-alignment of the B485 will make the entrance / exit to Cudsdens Court highly dangerous. This situation was recognised when the barn conversion took place in 1999 and the entrance moved as far from the blind corner as possible. Despite this change the entrance / exit to Cudsdens Court remains in close proximity to a blind corner (approx 50 metres to the south west) with a 60mph speed limit. Exiting the drive today is a "seat of your pants" experience (all residents have experienced near misses) but mitigated by a clear view the opposite way. The proposed road re-alignment makes the situation far worse by making the angle of the blind corner more acute, moving the position of the drive and changing the visibility of the approaching angle of traffic coming from the opposite direction. HS2's photomontage (figure number LV-01-040 in MB9_VOL2_CFA09) clearly illustrates the issue. In the baseline, the driveway to Cudsdens Court is clearly visible on the left hand side (by the telegraph pole) but in the 2026 view the drive is completely obscured. Whilst HS2 state that the road re-alignment complies with highway standards no specific safety assessment has been provided by HS2 and it is unclear whether the design has been assessed by appropriate site surveys or as a desk exercise. Your petitioner requests that an alternative road re-alignment should look to improve the road safety for Cudsdens Court rather than the opposite both during and post the construction phase.
- 22.5. **Access to Cudsdens Court.** During the construction period of 8 years, the B485 will have significant additional traffic, including heavy goods vehicles crossing the B485, as well as traffic management controls in place for the road re-alignment. Given the likely traffic delays as a result of the roadworks it is unclear how the residents of Cudsdens Court will be able to gain free access to Cudsdens Court. Of the twelve individuals in Cudsdens Court, ten are working and need free access to get to their respective work locations. Three of the six dwellings have children all of whom need access schools ranging in location from Great Missenden, Amersham, Hyde Heath and Aylesbury. For example, one family has children at school in Amersham and regularly makes six journeys to and from Amersham each day for schooling and extra-curricular activities.
- 22.6. **Noise and Light pollution.** A main construction compound is located less than 50 metres from Cudsdens Court. The operation of this compound will have detrimental impact on Cudsdens Court with excessive noise and light especially at night. The B485 will carry significant levels of heavy vehicles per day past Cudsdens Court. Additionally, haul routes for spoil immediately surround Cudsdens Court.
- 22.7. **Isolation.** Currently, residents of Cudsdens Court are able to walk freely across the fields surrounding the hamlet in almost all directions with long standing arrangements with farmers rather than using formal PRow's. The community of South Heath, Hyde Heath and Great Missenden can be reached by foot across fields and ancient woodland. However, during the construction phase it will be impossible to leave Cudsdens Court on foot. All the land surrounding Cudsdens Court will be blocked off from construction of the green tunnel, road re-alignment, construction depot, access roads to the electricity pylons or spoil heaps, as well as extensive heavy vehicle

movements on the B485 and along haul routes. The hamlet of Cudsdens Court will have all its links severed and your petitioner's will become effective prisoners in their own homes.

22.8. **Property blight.** Your Petitioner can evidence that the dwellings of Cudsdens Court are subject to property blight of a scale that makes them unsaleable. Two of the six properties have been for sale with no offer being made. One has been on the market for 18 months without a single viewing despite being marketed well below normal market value. The extent of the blight is not in doubt as one property is close to purchase by HS2 Ltd under the EHS scheme and another has been accepted by HS2 Ltd for purchase. This leaves just four of the households within your Petitioner's community remaining excluded from property compensation. This is a cause of very great anxiety and stress to remaining residents who have good reasons to want to move home but are trapped.

23. In summary, your Petitioner contends that Cudsdens Court is in an exceptional situation where the construction zone surrounds and requires land from this isolated rural hamlet and that the impacts are so injurious that the whole of Cudsdens Court should be included in the Voluntary Purchase Compensation Scheme. The compensation arrangements, by referencing the line alone, were put in place at the outset of the HS2 proposals some 4 years ago. Specific arrangements have not been developed along with the development of detailed project plans and in particular ignore specific construction impacts. The Minister Mr Secretary McLoughlin said in a Press Release of 9th April 2014 "I completely understand the concerns and anxieties of those living near the line and **it is only right that those people are properly looked after**". Your Petitioner's community falls squarely within this sentiment, yet the crude and simplistic approach to compensation by reference to raw distance from the railway line itself has failed to take account of the specific situation of Cudsdens Court and is already causing great hardship.

24. If Parliament does not agree to include Cudsdens Court in the Voluntary Purchase compensation scheme, or otherwise put in place whereby Cudsdens Court residents can have their properties bought at unblighted values, then your Petitioner believes that no mitigations can adequately ameliorate the injurious nature of the railway and accompanying works as presently proposed and provided for in the Bill. However, certain actions could be taken that would mitigate some of the worst impact. These would involve changes to the construction plan that will materially add to the cost, meaning that either the bored tunnel extension as proposed by REPA or purchasing the properties at Cudsdens Court, would both represent a saving over the necessary mitigations.

25. The following tabulates issues with the plan for HS2 and mitigations to address the worst impacts.

Adverse issue	Required mitigation
<p>Noise: South Heath Green tunnel is not long enough leaving Cudsdens Court exposed to noise from the southern portal</p> <p>Noise is likely to affect Cudsdens Court considerably, due to its close proximity to the B485 being used for construction traffic which is considerably more intrusive than current light vehicle use.</p>	<p>Extend the South Heath green tunnel southwards.</p> <p>This would alleviate the need to realign the B485, as the current alignment would no longer be affected by the south portal works.</p> <p>Levels of noise limits should be set to reflect the needs to vulnerable people including children and set below at WHO levels to reflect tranquillity.</p>

<p>The construction traffic also extends all around Cudsdens Court to access the spoil heaps which will exacerbate the issue.</p> <p>The Main Construction Compound is just 50 metres from Cudsdens Court</p>	<p>5m high noise barriers placed trackside in the cutting south of the South Heath green tunnel</p> <p>Work should be restricted to a typical working day (e.g. 35 hour week)</p> <p>Evening and weekend work should be precluded</p> <p>Deliveries to the main construction compound should be precluded outside of normal working hours (9 -5 pm Monday to Friday)</p> <p>Independent funding should be provided to monitor compliance of noise levels at Cudsdens Court</p> <p>Powers should be given to the Local Authority to suspend works if limits are exceeded and infringement of levels or permitted hours should carry punitive compensation to residents</p> <p>The Main Construction Compound, close to Cudsdens Court, should be relocated to be not less than 200m from the curtilage of Cudsdens Court</p>
<p>Amenity</p> <p>Loss of Annie Baileys and gym at South Heath</p> <p>Permanent closure of the footpath route to Little Missenden</p> <p>Loss of the rural character of the footpaths in the vicinity of Cudsdens Court</p> <p>Access to ancient woodland at Sibleys Coppice to the north (and its network of footpaths) will be lost during construction.</p>	<p>Creation of Community Fund to pay for creating local facilities</p> <p>The full restoration of footpaths that cross the trace to the south with green bridges and effective acoustic protection, and the planting of mature trees over the green tunnel in Sibleys coppice</p>
<p>Spoil:</p> <p>A new permanent landfill site within the AONB is planned at Hunts Green. This is entirely inappropriate.</p> <p>Temporary spoil storage is sited to be adjacent to Cudsdens Court (less than 20 metres from dwellings)</p> <p>Dust, dirt and run-off from the temporary spoil heaps constitute a nuisance and health hazard.</p> <p>Dust potentially dramatically affects the quality of life, limiting the usability of exterior spaces, and depositing detritus on the exterior of properties, on washing etc.</p> <p>Deposit on local roads of spoil from transportation to and from temporary storage will make road services dangerous</p>	<p>Any surplus material should be removed from the AONB, along the trace. The need for temporary or permanent spoil storage near Cudsdens Court and at Hunts Green would be entirely removed if any one of the three bored tunnel options (discussed at par 13) were adopted.</p> <p>The temporary spoil heaps should be relocated such that they are not within 200m of the curtilage of Cudsdens Court</p> <p>Temporary spoil heaps to be covered</p> <p>Maximum dust exposure limits to be specified, monitored and enforced by the Local Authority – paid for by the Promoter.</p> <p>The Promoter should be responsible for the costs of cleaning the exterior of properties, including exterior living space such as patios, at frequent regular intervals (e.g. every 3 months)</p>

<p>No provision to restore temporary spoil sites or construction sites to their previous condition</p>	<p>The Promoter should pay punitive compensation for contravention of limits</p> <p>All haulage vehicles to be cleaned off before joining a public road</p> <p>Full restoration should be required by the bill</p>
<p>Road congestion:</p> <p>Congestion of the B485 from construction traffic, with over 700 traffic movements a day from the construction works, as estimated from the ES by the Chesham Society.</p> <p>Other local roads in the area to also be construction traffic routes e.g. Kings Lane.</p>	<p>Remove construction traffic using the trace from B485 by building a temporary bridge / underpass</p> <p>Ban the use of traffic lights on B485 during the construction period</p> <p>Create a separate access road from the trace to the A413, preventing the need for local roads such as B485 to be used for construction traffic.</p> <p>Re-alignment of B485 with A413 at bottom of Frith Hill to increase capacity. Introduce traffic lights on roundabout to improve / manage traffic flows resulting from increased traffic levels on B485.</p> <p>Set a 5 minute limit for waiting time for residents to access Cudsdens Court from either direction on the B485.</p> <p>Take measures to reduce construction traffic impacts e.g. ban of deliveries at night and at peak daytime hours; a park of ride scheme for workers; construction traffic to only uses trace</p>
<p>Construction traffic emissions:</p> <p>Earth moving equipment and heavy haulage will emit pollutants to the detriment of residents</p>	<p>Move location of spoil heaps and restrict the proximity of LGV's & HGV's to Cudsdens Court when accessing spoil heaps</p> <p>Authority to be funded to monitor and enforce high standards that limit emissions</p>
<p>Health and wellbeing:</p> <p>Health and wellbeing effects were not covered by the ES but are of grave concern to petitioners.</p> <p>Concerns relate to the long term effects of noise exposure from the tunnel portal.</p> <p>Concerns about construction effects relate to</p> <ul style="list-style-type: none"> • anxiety about the viability of living at Cudsdens Court • anxiety about property values • anxiety about congestion impeding emergency health services responses • anxiety about congestion impeding ability to commute to work • adverse effects from sleep disturbance caused by noise • educational underperformance from missing school due to congestion • educational underperformance due to noise disturbing sleep and study • dust and pollution affecting health – especially those with asthma 	<p>The Promoter should provide and pay for substantive solutions to residents of Cudsdens Court to assess and protect their health and wellbeing. These should include access to medical experts to assess impact both physical and mental health resulting from the effects of HS2 prior to, during and after construction</p> <p>Powers should be granted to medical experts to require HS2 to purchase property allowing residents to move to prevent further detrimental impacts</p>

PERMANENT ISSUES WHEN HS2 IS OPERATIONAL

26. If none of the proposed extensions of the bored tunnel are adopted then the operation of the railway will permanently detrimentally affect the South Heath area and Cudsdens Court specifically.

Noise:

27. Noise will be emitted from the open sections in the AONB: the track between the portal at Mantles Wood and the south portal of the South Heath Green Tunnel (GT), where it runs in a cutting except for a short section on an embankment. Of particular concern to Cudsdens Court is noise from the GT portals, although the ES does not say how much. The ES records only 15 properties suffering significant residual noise (in Potter Row and Hyde Lane). It is unclear why the ES does not include Cudsdens Court in that assessment given its proximity to the GT tunnel portal.

28. HS2 Ltd regard the AONB as being of medium tranquillity⁸, having a landscape character of "national value" and sensitive to change yet makes no provision in recognition of this.

Issue	Remedy
<p>South Heath green tunnel is too short to give acoustic protection to South Heath and Cudsdens Court</p> <ul style="list-style-type: none"> • Ignores noise exposure thresholds for peak noise • Gives no information on tunnel boom 	<p>Extend green tunnel to at minimum Leather Lane to the north and to Mantles Wood in the south</p> <p>If Parliament does not agree this:</p> <ul style="list-style-type: none"> • Install full height (5m) high specification trackside noise barriers. Maintain barriers to retain optimum performance • Lower the alignment of the track
<p>Inadequate consideration of vulnerable persons</p>	<p>Specify and observe noise exposure requirements, including appropriate periods for averaging noise levels and peak levels that ensure no interference with children's sleep</p>
<p>Footpaths will expose residents and visitors to excessive noise when diverted permanently to run along the top of the cutting and cross the line (GMI/2, 13/3, 23/7 +1, 33/2, 33/4, 33/5)</p>	<p>Provide effective acoustic protection for PROW in the proximity of HS2. Maintain all existing routes so they do not run alongside the railway (except for LMI/21, because the trace follows its route)</p>
<p>Acoustic environment degraded:</p> <ul style="list-style-type: none"> • Tranquil areas • Gardens 	<p>Set standards below the threshold to preserve health and wellbeing to reflect relative tranquillity of area (so environment remains pleasant not just non-injurious)</p> <p>Allow enjoyment of amenities by reducing noise below the level that impacts upon speech incl. for vulnerable persons.</p>
<p>Lack of proposals to manage maintenance noise at night</p>	<p>Specify maximum peak and average noise exposure including night time maintenance for all receptors. Require works to be suspended or restricted to remain within specification.</p>
<p>Noise mitigations (Potter Row/Hyde End/Cudsdens Court):</p> <ul style="list-style-type: none"> • Insufficient use of noise barriers • Inadequate specification of noise barriers • Reliance on bunds instead of trackside noise barriers 	<p>Use continuous noise barriers on both sides of the track wherever it is not in a tunnel to protect walkers and residents.</p> <p>5m noise barriers (not 3m) to address aerodynamic noise.</p> <p>Bunds should be used for visual screening not noise containment (for which they are ineffective).</p>
<p>Lack of enforceable noise standards or body to enforce standards when set</p>	<p>Enforceable noise exposure standards to be set, with Local Authority funded in perpetuity to monitor and enforce.</p> <p>All necessary measures taken to meet standards including</p>

⁸ HS2 Ltd recognise that the AONB is tranquil, in Volume 3: Route Wide Effects: para 2.3.20 and 2.3.22

	reduction of train speeds, e.g. at night, if other measures insufficient.
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Ancient woodland loss

29. The Promoter's scheme involves the loss and fragmentation of three ancient woodland in the section between Mantles Wood and Leather Lane. The extension to bored tunnel would save these three woods which represent over 1/4 of the total woodland loss from phase 1 of HS2. The ES concedes that ancient woodland is "nationally significant" and an "irreplaceable resource".

Issue	Remedy
The bored Chiltern Tunnel access facilities will occupy land currently ancient woodland	Move tunnel access and facilities out of ancient woodland, to minimise ancient woodland land take (but need to screen).
Deep un-retained cuttings have considerable land-take of ancient woodland	Use retained cuttings to minimise take of ancient woodlands
Movement of the railway and its support facilities within the limits of deviation could lead to a greater loss at Mantles Wood	Amend limits of deviation to preclude a greater land take from any ancient woodland
40 ha of compensatory planting are proposed (for around 10ha loss), but without arrangements for their permanent maintenance	The Woodland Trust consider the compensatory planting is grossly inadequate, and should be based on a ratio of 30:1. Provision needs to be made for the permanent maintenance of compensatory woodland, as this is missing from the Bill

Amenity and community impacts for residents and visitors

30. One of the great attractions of living in an AONB is the direct access to ancient woodlands and surrounding countryside. The loss of footpaths is a significant loss of amenity and others remaining but affected by HS2 will no longer be of rural character and tranquillity. Beyond the formal footpaths many landowners have for many years let people walk over their land. These informal arrangements are not catalogued and therefore it is not possible to identify the true extent of this loss.
31. There are significant community impacts on the South Heath area with the demolition of properties and many outbuildings, together with the loss of Annie Baileys pub and residential amenity in many roads due to noise and visual impact

Issue	Remedy
Footpath LMI/21/1 is closed, removing access between Little Missenden and Hyde End	Preserve existing PROW near to its existing alignment: use a green bridge to cross the trace, with acoustic protection
Footpaths (incl. those from Great Missenden to Potter Row which are particularly important for visitors) lose rural character: <ul style="list-style-type: none"> Removing recreational resource, particularly for Londoners Reduces viability of Great Missenden retailers 	Preserve existing PROWs on existing alignments Use green bridges where they cross the trace, with acoustic protection.
Loss of rural character of the three footpaths through Sibley's Coppice when re-instated over the green tunnel	Plant mature trees to emulate previous character
Weights & Measures Gym (with post box) and Annie Baileys to be demolished; viability of garden centre threatened (from sustained loss of trade and access in long construction period)	Establish a community fund for South Heath to pay for creating local facilities

Loss of Great Missenden facilities from sustained loss of access in the long construction period	Financial support to maintain/re-establish retailing
8 homes demolished and 23 outbuildings in 4km stretch, mainly in South Heath area and Hyde End	Reduce the speed of the line and re-route HS2 to follow an existing transport corridor

Cultural heritage

32. There is a rich cultural heritage in the South Heath area that will be permanently affected by HS2. In addition to the ancient woodland, historically important hedgerows and landscape effects there are archeologically significant sites that will be permanently damaged by the works; scheduled monuments and the settings of a range of historic (and important but non designated assets) that are affected. The ES records impacts (*Volume 2 CFA 9, para 6.5.2*) but your petitioner believes they underestimate the extent and severity – particularly as the setting of many assets contributes enormously to their value.

Issue	Remedy
Visual impacts and loss of rural settings to 9 listed buildings in Hyde Lane, Kings Lane, Potter Row; 3 other non designated properties in Frith Hill SHL, Hyde Lane.	Lower the level of track, provide further screening of the railway. The screening in itself may detract from the setting
Damage to archaeological assets at 6 sites (Mantle's Wood, north of Rowan Farm, Cudsden's Farm ⁹ , Sibleys Coppice, Bury Farm, edge of Potter Row)	Reduce the speed of the line and re-route HS2 to follow an existing transport corridor

Visual obtrusiveness of HS2

33. Your petitioner is concerned by the visual impact of HS2 across the South Heath Area. Specifically the highest elements of the railway – the gantries, wires and masts are most intrusive within a landscape that has such limited man made impacts. Even 'trimmed' in this manner, this zone covers 2,150ha for the AONB.
34. The lack of detailed information on the specific nature of that landscaping is of great concern. For example Cudsdens Court faces the obtrusive earthworks to the South-West of the GT portal. It is unclear, except from a single photomontage how this unnatural this will be.
35. Cudsdens Court also looks directly over balancing ponds. They are totally out of character with chalk upland and so damage the landscape character. I also understand that they are be artificially lined, may not even hold water and are fenced.
36. One of the great pleasures of living in an isolated rural hamlet is the lack of light pollution. There is no street lighting in the South Heath area. Your petitioner is concerned that the surface route between Mantles Wood and Leather Lane will be permanently lit or have from night-time works. This is out of character and damages the nightscape.
37. The B485 by definition has lower traffic densities and therefore has no need for the introduction for a roundabout at the junction with Kings Lane. The roundabout is out of character with the rural nature of the road today.
38. Constructing HS2 involves moving the national grid power lines at South Heath twice – as a temporary diversion and then back to effectively the original alignment. This is a wasted opportunity to just move the lines once and put them beneath ground, hence reducing their adverse visual impact.

⁹ This is wrongly listed in the ES as being at Cudsden's Farm (which no longer exists but was the name of the farm prior to conversion to Cudsdens Court) (see ES Vol2 CFA9 para.6.4.4)

Issue	Remedy
<p>Visual blight</p> <p>Cudsdens Court is surrounded by flat agricultural fields and has unrestricted views of agricultural fields for many miles.</p> <p>The proposals for mitigating the landscaped earthworks and elevated access road to the South-East southern green tunnel portal are inadequate and not in keeping with the character of the locality. More emphasis in the ES is put on integrating the north-eastern aspect of the portal that the –south western. This can be viewed in the Photomontage figure number LV-01-040 in MB9_VOL2_CFA09 which shows a new forest of metal in an elevated position which will be highly visible from Cudsdens Court and the B485.</p> <p>No provision is made in the ES to restore the South Heath green tunnel south portal into the landscape and provide visual screening</p>	<p>The Promoters should adopt more appropriate restoration of the current landscape including replanting hedgerows along the full length of the re-aligned B485 and should use traditional wooden fencing as should any fencing around balancing ponds and earthworks. Metal fencing should be kept to an absolute minimum and only for security for the railway itself rather than balancing ponds etc</p> <p>The elevated landscaped earthworks to the south-west of the access road should be comprehensively planted with native scrub / woodland, rather than being grassed or strip planting, to hide the elevated access road</p> <p>Best endeavours should be required by the bill to restore the entire area surrounding the green tunnel portal to retain the character of the area</p>
Portal buildings, and auto-transformer station at South Heath GT north portal end exposed	Tall screening required to west. Sympathetic design and exterior of buildings required for the area; maximum elevations to be specified. Promoter must agree design with District Council following public consultation
Access to the railway is prevented by security fencing, shown in photomontages as of bright steel sometimes sited on the crest of bunds. No account is given as to how visible these structures are.	Metal security fencing should be screened from view (eg sited on the inside slope of bunds) and should it's use should be kept to a minimum Where visibility is unavoidable it should be made or painted to 'blend in'.
Balancing and other ponds will occupy 11.2ha and are out of character	Find alternative means of addressing polluted run-off, storing on trace and removing for sustainable disposal if necessary. If remain, landscape and ensure support water/ vegetation.
Arcing damages nightscape.	Screen railway including pantographs and gantries with deeper cuttings and eliminate residual sight lines using bunds
Night-time maintenance damages nightscape	Require screening of maintenance works to prevent light pollution
Lighting on new roundabout at Kings Lane/B485 Chesham Road damages nightscape	Redesign junction (to a T-junction) so extra traffic and safety is not reliant on lighting

Wildlife

39. HS2 will impact on habitats and species in 4 local wildlife sites in ancient woodlands, with permanent loss of habitats and severance of several hedgerows. There should be no net loss in habitats and a net gain in biodiversity.

Issue	Remedy
Habitat severance as railway constitutes barrier when on surface or in open cutting	Create green bridges
Noise, dust, and lighting will effect breeding habitats	Create compensatory habitats, funded by Promoter in perpetuity, well in advance
Adverse effects on owls and bats within a 3km corridor	Create compensatory habitats, funded by Promoter in perpetuity, well in advance

Property blight

40. Your Petitioner is very concerned that properties in close proximity to HS2 suffer permanent loss in value compared to their un-blighted price, as the premium qualities related to relative tranquillity, an AONB setting and a network of rural footpaths etc are lost. Owners suffer this loss permanently as the Land Compensation Act (LCA) 1973 (Part 1) provides compensation after 1 year of operation but only for physical nuisance, not loss of amenity, or the property market value.
41. Your Petitioner requests that the Promoter be required to implement such measures as minimise the physical impacts and obtrusiveness of HS2. Your Petitioner also requests that the Bill make provision to amend the LCA in its application to HS2, so that compensation is based on the full loss in property market value, and not that attributed to physical nuisance.

Limits of deviation

42. The Bill authorises the movement of the track by up to 3 metres vertically or horizontally without consultation. The planned track level in this area has been raised twice, with both Hyde Lane and Potter Row now exposed to significant adverse effects from operational noise – on HS2 Ltd's own admission. Raising the track height reduces cost at the expense of permanent adverse environmental effects.
43. Your Petitioner requests that the limits of deviation be amended so that no raising in the elevation of HS2 be permitted in the AONB.

Health and wellbeing

44. The ES does not consider health and wellbeing effects. A separate document¹⁰ was issued at the same time on health effects – but not as part of the consultation. Much of this is separate document is questionable (eg the materials on noise), and your Petitioner is concerned about the notable omissions – eg on anxiety and other stress issues.
45. Exposure to noise in excess of WHO guidelines is likely to give rise to long term adverse health effects from disturbance of sleep.

Issue	Remedy
Loss of relative tranquillity affecting the wellbeing of those who would otherwise have visited the area, and for residents	Limits set for noise in AONB that ensure relative tranquillity is maintained, with Local Authority funded to monitor and enforce in perpetuity
Health imperilled by dust from passage of trains, and pollutants from maintenance	Limits set for airbourne pollutant exposure in AONB that ensure clean air is maintained, with Local Authority funded to monitor and enforce in perpetuity
Long term health effects <ul style="list-style-type: none">Sleep disturbance leading to medical conditions such as hypertension.Child development, from sleep disturbance or disrupting studies – leading to academic underperformance	Impacts to be studied and reported on. Lower noise limits to be set (in accordance with WHO guidelines). with Local Authority funded to monitor and enforce in perpetuity

Acquisition of land that is unrequired

46. Clause 47 of the Bill gives the Promoter the right to acquire property for development, even though this is not required for the construction or operation of HS2.
47. Your Petitioner requests that Clause 47 be removed.

¹⁰ High Speed Rail (London to West Midlands): Health Impact Assessment, November 2013

Road safety

48. The entrance to Cudsdens Court is relocated and made more dangerous as part of the B485/Kings Lane road realignment. Your Petitioner requests that the entrance to Cudsdens Court be extended so that it is not dangerously located on a bend. A proper safety assessment needs to be made on any proposed re-alignment.
49. The points made above are in relation to the Bill as published for 2nd Reading and are without prejudice to the Petitioner's right to petition further and separately in relation to any additional provisions introduced to that Bill in future, further your Petitioner has had great difficulty understanding the Bill, including its Schedules, alongside the Deposited Plans and Sections and the ES. Your Petitioner is concerned that it may have missed a material point that it would wish to address the Select Committee on. The points made above are without prejudice to any such further points.
50. For the foregoing and connected reasons your Petitioner respectfully submits that unless the Bill is amended as proposed above, clauses 1-36, and 47, along with accompanying Schedules, so far affecting your Petitioner's members, should not be allowed to pass into law.
51. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner's members and their rights, interests and property, and for which no adequate provision is made to protect your Petitioner's members.

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 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

[Signature of Petitioner in person, or Agent for the Petitioner]

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Barn Management (UK) 2
Cudsdens Court

AGAINST, By Counsel, &c.

Edward Ward,