

**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 Higher Denham Community Association

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 Petitioner is Higher Denham Community Association (HDCA), a registered charity No.300278, a body formed to look after certain assets owned by the local community and to foster the beneficial of the local community in general. Higher Denham in the county of Buckinghamshire is a hamlet of some 500 people and is the headquarters, research centre, sales function and manufacturing site of the world leading aircraft ejection seat company Martin-Baker Aircraft Company Ltd (Martin Baker), which employs some 400 people mainly from outside Higher Denham. Martin Baker's ejection seats have saved more than 7440 lives, and most of its sales are to overseas customers helping to sustain the United Kingdom's exports.

HDCA was formed in the 1940's under a different name, had become known as HDCA by 1956 and registered as a charity in 1960. HDCA recently solicited the views of local residents and employees of Martin Baker and 80% of the responses from both constituencies believed that the advent of HS2 as currently planned and the proposals for its construction would have a personal and serious adverse affect on them in during the construction phase and/or during the subsequent operation of HS2.

The trustees of HDCA act as a management group and meet regularly to discuss and give effect agreed actions for the benefit of local residents. At its meeting held on

17<sup>th</sup> April 2014, the committee, in its public session, heard from one resident who proposed that HDCA sent a petition on behalf of its residents. The committee agreed to do this provided that the majority of residents believed this was the right thing to do, and so undertook the survey of the local residents referred to in the paragraph immediately above. The minutes of that meeting are attached as annex A. This petition is the result and represents the collective views of the local residents who believe that they will be personally and seriously affected by the proposals in the Bill.

Your Petitioner, Dr Ronald James, is the elected Treasurer of HDCA and owner/occupier of Wind in the Willows, Moorhouse Farm Lane, Higher Denham where your Petitioner has lived since 1985, and where over the last 29 years he has developed a 3 acre garden that is widely acclaimed and is opened several times a year for the benefit of the National Gardens Scheme charities, the local Air Ambulance, and HDCA itself, and raises about £3000 per year for these charities. The quiet enjoyment of this unique garden by your Petitioner and its many visitors will be blighted by the proposed developments set out in the Bill. Several members of the local community 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, particularly from the Colne Valley Viaduct, 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; in particular the alternative proposal put forward by HighSpeedUK (see [www.highspeeduk.co.uk](http://www.highspeeduk.co.uk)) appears to offer much better value for money and provide a better connected network throughout the commercial and industrial centres in the UK with a much reduced environmental impact such that it should be given more serious consideration. Your Petitioners also believe 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. 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.

Your Petitioners request that a much larger compensation scheme is put in place to recognise that property values are already beginning to fall because of the uncertainty of adverse effects of the sort referred to below. The compensation scheme proposed by the Promoter covers only a small fraction of the properties that **will** in fact suffer value reduction, rather than the smaller group that the Promoter believes could suffer value reduction. Local residents will see a loss in value of their property with no direct benefit from HS2. Travelling to London from Higher Denham to catch an HS2 train will take longer than the time saved getting to Birmingham by HS2, compared to catching the existing Chiltern Rail Service to Birmingham. This effect becomes greater for all people living along the proposed route, the farther they live from a station served directly by HS2.

#### COLNE VALLEY VIADUCT

The majority of your Petitioners live within 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 where misleading averages have been quoted in the Promoter's Environment Statement. This is akin to saying that a cannon fired once an hour has the same average noise level as garden birds singing continuously throughout the hour and thus its impact is negligible! The irritation level is very different.

Your Petitioners therefore 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 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.

#### IMPACTS DURING THE CONSTRUCTION PERIOD

##### TRAFFIC CONGESTION

This is by far the major concern of your Petitioners based on the numbers highlighting this issue. 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.

In particular, Higher Denham is accessed essentially via Old Rectory Lane; a single lane from the A412 that is scarcely wide enough for two cars to pass let alone a car and a heavy lorry. Old Slade Lane, the back lane to Chalfont is even narrower and the part near Higher Denham lies in a deep cut with tight bends that many residents think makes it too dangerous to use. Moreover, Old Slade Lane does not lead towards greater London or the M40 where most of the traffic is destined. The vast majority of the workforce at Martin Baker use Old Rectory Lane, which makes it very congested during "rush hour" with considerably delays. There are part-time traffic lights at the junction of the A412 and Old Rectory Lane without which, even now, it would be virtually impossible to get out of or turn into Old Rectory Lane in "rush hour" because the A412 is already jammed and very slow moving. The Promoter's Environmental Statement predicts a 40% increase in traffic in this sector during the construction phase, much of this being lorries. If that happens, without the changes suggested below, the residents of Higher Denham will be prisoners in the hamlet for

much of the day, and the workforce of Martin Baker will not be able to get to work unless they arrive before 5.30 am and leave after 7.30 pm. With this in mind your Petitioners ask that the Promoter be required to build a new access to the Martin Baker site from the A413, which would bring some reduction to the traffic using Old Rectory Lane.

There is also considerable fear that the increased traffic will add significant delays to local bus services on which many of the older residents rely for shopping, hospital and doctor's appointments etc. Higher Denham has no shops or a doctor let alone a hospital! Your Petitioners therefore 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 also 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 having no lorry movements during "rush hour" and capping 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 other than the new route to Martin Baker, which would be a permanent benefit to local residents, 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.

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 request that the best available means for minimising noise, vibrations, dust and light pollution during construction and operation are utilised. Your Petitioners further request that monitoring equipment for noise, vibrations and pollution are 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, which obviously cannot be mitigated in a time less than about 300 years, if at all, and 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 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 further request that greater compensation should be provided than is presently proposed for the loss of ancient woodland

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,

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.

#### 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 during the construction period.

#### RIVERS AND FLOODING CONCERNS

The low-lying Colne Valley, which includes the floodplain of the Rivers Colne and Misbourne, is periodically prone to flooding, circa 6 times per 100 years. 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 readings taken by the Environment Agency in 2001. Furthermore, The Promoter's Environment Statement admits that it is unable to predict the effect on water levels in this region. Your Petitioners therefore 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. Equally, falling river levels would have a major effect on wild life and the visual appearance of Higher Denham where the Misbourne is seen as a real asset. The garden at Wind in the Willows would be irreparably damaged by either too much or too little water. Your Petitioners request that a compensation scheme is put in place to repair damage caused by flooding or by a severe diminution in water levels, although how one compensates for 30 years developing a garden remains a question.

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.

#### 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 Country Park will be permanently affected and depleted 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.

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.

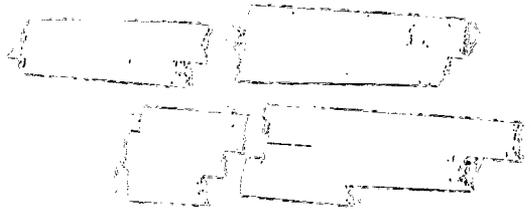
Your Petitioners request that if the existing route is to be retained, a tunnel is constructed under the Colne Valley to create a continuous underground, unobtrusive link between north-west London and mid-Buckinghamshire, extending beyond Amersham to the Vale of Aylesbury. This would also avoid irreversible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

Signed

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On behalf of Higher Denham Community Association.

IN PARLIAMENT

HOUSE OF COMMONS  
SESSION 2013-14

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

PETITION OF DENHAM AGAINST HS2

Against the Bill — On Merits — By Counsel &c

Dr Ronald James

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ANNEX A

# Higher Denham Community Association

Minutes of a Committee Meeting held on

Thursday 17<sup>th</sup> April 2014 at 7.30pm

In the Community Hall

Present:	Dr Ron James – Treasurer	Mrs Jacqui McGowan – Secretary
	Mrs Jane Blyth	Mrs Caroline Griggs
	Miss Emily Griggs	Mrs Sonia Harris
	Mr Edward Nash-Steer	Mr David Ward

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## 1. Election of Chairman

David Ward offered to stand as Chairman again and was unanimously elected to take on the role for the forthcoming year.

## 2. Apologies for Absence

None

## 3. Public Session

**High Speed 2 Rail Link (HS2).** Resident Anne Ling joined the meeting to request the Committee's support against the HS2 Hybrid Bill vote in Parliament on Monday 28<sup>th</sup> April by sending a petition to modify the scheme on behalf of all Higher Denham residents.

A significant impact of HS2 for Higher Denham will be the increase in traffic, particularly access in and out of Old Rectory Lane, with more than 1000 extra vehicles every day using the A412/Old Orbital Road. Other factors include noise, pollution, dumping of spoil in South Bucks, effects on wildlife etc.

It was agreed that the committee cannot send a petition on behalf of residents unless it is known they are in support of us doing so. A flyer will be drafted and delivered to all households advising; the likely impact of HS2 for Denham and South Bucks; the HDCA are willing to submit a petition if residents are in favour; details of how residents can submit an individual petition. **Action: EG to draft a flyer for comments (note: petition deadline 28<sup>th</sup> April)**

A HS2 Protest Walk is being held in Denham on 11<sup>th</sup> May 2014. **Action: CM and TU to publicise on the website and newsletter respectively.**

**CA/Resident Communication.** The new Newsletter Editor Terri Urquhart gave an update. TU, EG and CM will be the communications "team" aiming to keep residents informed through a newly set up Facebook page, the website and Newsletter. All communications will have a common style and format. TU distributed a suggested design for comments. The committee asked for it to be re-worked and to incorporate a connection to Higher Denham and the community we live in as per the previous Newsletter format. **Action: TU**