

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – Praying to be heard By Counsel. & c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of the Grimms Dyke (Liberty) Estates Ltd

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 with Clause 47 providing a power to compulsorily acquire land for regeneration or relocation and clause 48 provides a power to carry out reinstatement works.
- 6 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

- 7 Your Petitioner is Grimms Dyke (Liberty) Estates Ltd (GDE). GDE is a not for profit management company formed when the Grimms Dyke private estate was built, with the property owner of each of the 30 properties on the estate holding being a shareholder. GDE is in Great Missenden in Buckinghamshire, on the hill from Great Missenden to Prestwood (Martinsend Lane) and is within the Chilterns Area of Outstanding Beauty (AONB). GDE is about 1.8 km from HS2's line of route on the other side of the Misbourne valley. GDE is within the Zone of Theoretical Visibility¹, so that HS2 should be visible during construction and also when it is operational.
- 8 A full list of members is available by writing to the Chair at the Petitioner's address.
- 9 GDE is a founder member of the Residents' Environmental Protection Association (REPA) established in 2013. REPA is an association of individuals and local groups mainly in the South Heath area, working to gain more effective mitigations from HS2, but also includes other groups that are affected by the same works, being the Chesham Society and GDE.
- 10 Your Petitioner's members' properties are specially and directly affected as, amongst other issues, they are in sight of the proposed line. Your Petitioner's members are already affected, as the prospect of HS2 has already substantially depressed property values. They will be affected when HS2 is operational by the damage to the view from HS2 and its associated equipment (e.g. gantries), and the loss of amenity from the footpaths and cycle routes on the east side of the Misbourne valley losing their rural character and tranquillity. During construction, members will be affected by the congestion on the A413 (which will be a construction route) which is the route to Amersham and London, and Wendover and the only local emergency medical facilities at Stoke Mandeville. For the construction period the vicinity of the line will be unattractive for walking, and cycle routes will be far less safe.
- 11 Your petitioner is also concerned about the viability of businesses in Great Missenden. It derives substantial benefit from visitors to the Chilterns, who make Great Missenden their centre, and they will be adversely affected by the lengthy construction period of HS2. As a consequence there will be a decline in the facilities available within walking distance, to GDE members.
- 12 Your Petitioner's members are particularly affected by the damage to the general area. Many are keen and frequent walkers, who enjoy the tranquillity of the numerous footpaths and quiet lanes of the area, including the footpaths from Great Missenden to the ridges east of the Misbourne Valley, through the ancient woodlands of Jenkins Wood, Sibley's Coppice, and Mantles Wood. The tranquillity and beauty of the area, which is best enjoyed through the network of public rights of way (PROW), is the reason that many members chose to move here. Furthermore matters that make the area generally less attractive will impact on the property values of your Petitioner's members
- 13 GDE has contributed to the Central Chilterns Community Forum (CCCF) Area ES consultation response (for CFA 9).

¹ Volume 5 Mapbook, Landscape and Visual. LV-08-34, LV- 07-34)

Your Petitioners' concerns, objections and request for alteration of the Bill

- 14 Your Petitioner's members will suffer a range of adverse effects by reason of the Bill. Your Petitioner requests that a bored Chiltern Tunnel traverse the entirety of the AONB as it will address most, if not all, of their concerns, and will reduce the impact on the AONB. Currently less than half (just 9.4km) of the AONB is in a bored tunnel, and HS2 bisects the AONB through its widest part.
- 15 Your Petitioner is gravely concerned about the permanent damage to the Chilterns AONB. There are 33 designated AONB's in England, and the Chilterns is the closest of these to London. They are designated under the provisions of the Countryside and Rights of Way Act (2000), (the CROW Act) in order give them permanent statutory protection against any development that would damage their special qualities, thus conserving a number of the finest landscapes in England for the nation's benefit. AONBs have a national status akin to a National Park.
- 16 The primary purpose of this special recognition is to conserve and enhance the natural beauty of the landscape whilst meeting the need for quiet enjoyment of the countryside for all and having regard for the interests of those who work and live there. This Bill does not appear to recognise this, and consequently fails to make appropriate efforts to conserve the Chilterns AONB. Your Petitioner understands that the use of a hybrid bill as the vehicle for gaining planning consent relieves the Promoter of the need to give the AONB the protections that would otherwise be necessary.
- 17 Your Petitioner requests that Parliament instruct the Promoter to afford the Chilterns AONB all the benefits that the CROW Act would otherwise require were planning consent granted by another vehicle, which inescapably would mean that HS2 should traverse the AONB in a bored tunnel for its entire length.
- 18 The proposed line cuts across Frith Hill (SHL) and the B485 Chesham Road, which are the direct roads from Great Missenden up the other side of the valley. Both are construction routes (as is the A413 that must be crossed) and will be greatly affected by the cuttings, green tunnel and associated works – as outlined in Clause 2, Schedule 2 Volume 2.1 plan sheet Nos 2-24 & 2-25
- 19 The main concerns are:
 - a. The long term damage and permanent injury from visual, landscape and acoustic impacts of HS2 on the AONB. Volume 2 of the ES records (at para 2.3.22) *"Given that the landscape condition is good, the tranquillity is medium, and the character is of national value, the resulting sensitivity to change of the AONB is considered to be high"*. HS2's route in this stretch of the AONB is not currently in a transport corridor (the A413 and Chiltern rail line are 1.5kms distant). The Zone of Theoretical visibility (ZTV) in the ES shows the huge impact HS2 will have, from east of South Heath to west across the Misbourne valley up to 2kms away – to GDE and beyond.
 - b. Noise and light pollution emanating from trains speeding along cuttings and the noise boom on entering the green tunnel, disrupting the tranquillity experienced by residents both during the day and especially early in the morning and late at night. The green tunnel is too short to provide adequate protection to South Heath. However, although GDE is sufficiently distant that it will not be exposed to operational and construction noise, this noise will destroy the tranquillity of the east side of the Misbourne Valley, and the footpaths and lanes that access it from Great Missenden and the A413.

- c. Permanent change in character and loss of amenities - footpaths from Great Missenden to Potter Row become exposed to excessive noise; the one passing through Jenkins Wood is diverted to follow the trace; the footpaths in the Hyde end area are diverted and exposed to excessive noise; and the footpath to Little Missenden is permanently closed. In the construction period they are either diverted or those through Sibleys Coppice (an ancient Woodland), closed for 2 years. Of the 11 footpaths that currently cross the line in this area only 7 remain as footpaths. It will be difficult to take exercise, walk dogs, use the roads for cycling, and enjoy the countryside from Great Missenden to the east. This will be especially so during the seven year construction period.
- d. The permanent loss of the local ancient woodlands, hedgerows, natural habitats for wildlife, areas of green space, views and tranquil surroundings. The line will cause habitat severance. Land will be used as construction sites and for the erection of permanent buildings and an auto transformer substation to support the railway. Unsightly gantries, portals, cuttings, miles of metal security fencing (an eyesore as the few photo montages show (e.g. LV-01-040), the introduction of unnatural balancing ponds, and bunds will despoil the AONB. This will be visible from GDE – particularly at night when the line will be lit for being maintained, and the arcing from pantographs will be highly visible against an unlit night-scape.
- e. The creation of a permanent new 40 hectare land fill site within the AONB at Hunts Green, with all the issues as to how the 2 million tonnes of spoil will be transported there, and the effective loss of this land for farming.
- f. The permanent and temporary loss of agricultural land to the area, as a result of the wide area of land-take required for the surface construction proposals, and to provide the proposed environmental mitigation.
- g. Loss of businesses to Great Missenden, as many will not be able to withstand the sustained period of construction works affecting the area that will cause loss of trade, with visitors deterred from coming, and this will affect your Petitioner's members.
- h. Extensive and damaging impacts from the construction traffic and construction works stretching over 7.75 years: traffic congestion, noise, dust and safety risks. Kings Lane, Potter Row and Ballinger Road are school bus routes. Equestrians, the elderly, cyclist and children will be particularly vulnerable to construction traffic. The area to the east of Great Missenden will become much less desirable. Your petitioners regularly use the Frith South Heath Leg cycle route – which will be closed for up to 2 years.
- i. Emergency services being unable to provide a timely response due to road congestion, closures, and diversions during the years of construction works. The A413 is effectively the only way to reach Stoke Mandeville hospital.
- j. Anxiety and stress affecting your Petitioner's member's health and well-being from worry about property blight impacting on the value of their homes and their inability to sell them, particularly now and during the construction period.
- k. The ES was impenetrable and it was impossible to find out what some key impacts of HS2 would be. Common responses from HS2 Ltd are that the details are not yet worked out, or the answers are in the ES. The latter sometimes proves false. The ES is indigestible; hard to follow; lacks sufficient visualisations; relies on highly technical appendices that omits key information e.g. from where exactly the railway is visible (the ZTV excludes gantries, the horizontal and vertical profile of the railway was omitted as the profile maps were not released for the ES, and the height of bunds remains undisclosed).

- l. Pylon works in the area that involves the temporary re-siting of the power lines, and then their permanent re-instatement.
- m. The potential acquisition of land and use for its development and regeneration (under clause 47 of the bill) which is unnecessary and will further increase blight.

20 Your Petitioner requests that the following alteration be made to the Bill:

- That the AONB be protected from these effects by amending the Bill so the line passes **throughout the AONB in a bored tunnel**, as proposed by the Chiltern District Council or by extending the present Chiltern tunnel proposals by adopting the CRAG T2 proposals. The latter is referred to in the ES (CFA 9 Volume 2 para 2.6.8, page 40) and accepted as both feasible and environmentally preferable. Either of these options would substantially remove the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.
- If Parliament declines to require a bored Chiltern Tunnel throughout the AONB, which is the primary alteration to the Bill your Petitioner seeks, your Petitioner requests that the **bored Chiltern tunnel is extended (as in the REPA proposal) at minimum to Leather Lane** as referred to in the ES (CFA 9, Volume 2, para 2.6.18, page 41/42) but extended to Leather Lane² It is feasible in engineering terms and environmentally preferable and will address, most, but not all, of the concerns above. REPA contend that it is cost neutral and will not delay the project's completion.
- If even this is not granted by Parliament then **numerous individual mitigations of the adverse impacts are necessary**, all of which will cost time and money. Your Petitioner expands below on the individual adverse impacts that concern it and to which it objects, and the mitigation that would be required for each, if the bored tunnel proposals are rejected.
- Your Petitioner also requests that measures be taken and changes be made in the Bill and the Code of Construction Practice (or by obtaining binding undertakings from the Promoter) to address the various concerns of your Petitioner listed above.

Breakdown of mitigation required if your Petitioner's preferred tunnel solution is not adopted

21 Your Petitioner affirms that the 'green route' promoted by Chiltern District Council (amongst others) and the 'CRAG' bored tunnel option (outlined on pages 39 to 40 of Vol2, CFA9 of the Environmental Statement are the only acceptable approaches to mitigate the impact on residents and the AONB. However if full tunnelling under the AONB is not accepted by Parliament, the 'REPA' tunnel that extends the bored tunnel to Leather Lane addresses most of the issues, but not those in the AONB north of Leather Lane. If none of these three options for more extensive bored tunnelling is accepted, then all the numerous individual items of mitigation will be required, as set out below.

² A Leather Lane end point was initially referred to in the Draft ES as option (d) CFA 9, Volume 2, para 2.6.5 page 28 and again in the ES (at para 2.6.5, option (d), page 39). Leather Lane is 400m further north than Liberty Lane, and REPA adopted this new Leather Lane end point for its proposal in April 2014 following receiving information from HS2 Ltd on its practicability.

22 Your Petitioner requests that provision is made for:

Addressing the permanent issues

- a. The cuttings adjacent to each end of the South Heath Green Tunnel should be made deeper, and return to the levels originally proposed in the 2011 consultation, with continuous full height (5m) high specification sound barriers (both sides of the line to protect residents and footpaths) immediately adjacent to the track to reduce noise, and with bunds to conceal the line and the gantries where appropriate. Furthermore the South Heath Green Tunnel should be extended to provide better protection to residents and the footpaths out of Great Missenden to Potter Row, and to Hyde End. HS2 and its gantries, wires and masts and security fencing should be invisible from across the Misbourne Valley (e.g. at GDE).
- b. HS2 Ltd should adopt standards of noise exposure that in all cases meet World Health Organisation guidelines, but are set at a quieter level to maintain the tranquillity of the AONB. Exposure limits should apply to all properties and their gardens, and to footpaths, (with no rights of way routed alongside the railway, as is currently planned). Noise should be reduced to the lowest practicable level to minimise its impact on the AONB, its residents and visitors. This should include a reduction in train speeds at night if other measures insufficient. In the absence of a bored tunnel it is not clear how ground-borne vibration and noise from the green tunnel can be remedied for footpath users in Sibleys Coppice.
- c. That HS2 is placed in fully retained cuttings to reduce land take of gardens, ancient woodland and farmland. While no land is taken from your Petitioner's members, the enjoyment of the surrounding area is affected by such a wide land-take, and in so blighting the area impacts on the value of your Petitioner's member's properties.
- d. That the power for the contractor to raise the line by up to 3 metres is removed for the AONB section of the line, especially for the cuttings either side of the South Heath green tunnel where the line has already been raised from the alignment originally proposed.
- e. That provision is made for constructing green bridges across the line where they are established Public Rights of Way, in order to retain trees and shrubs and permit wild life access. This affects footpaths to the north and south of the green tunnel. The footpath that is lost that joins up Little Missenden to Hyde End should be replaced, using a green bridge to cross the trace with acoustic protection.
- f. Compensatory planting should commence at the earliest opportunity. Mature trees (able to grow to at least forty feet high) should be planted over the South Heath green tunnel to emulate the previous character, and for screening new buildings e.g. portal buildings and autotransformer. Funding for maintaining the planting should be provided in perpetuity. Where planting is compensatory for loss of ancient woodland it should adopt the 30:1 ratio supported by the Woodland Trust and not 4:1 as currently proposed
- g. That the speed of the trains be reduced to 185mph as per the recommendation of the House of Commons Environmental Audit Select Committee Report - but permanently - in order to help reduce the environmental impact to your Petitioner's members and the AONB.

- h. That the line of route be reconsidered to exploit the greater curvature possible with a 185 mph i.e. 300km/hr maximum line speed, compared to the current 400k/hr. This should then allow the routing to be within existing transport corridors (rather than 1.5kms distant from the nearest albeit minor "A" road).
- i. That arrangements be made for the spoil to be removed from the area by rail or pipeline. Your Petitioner points out that, if any one of the three tunnel proposals your Petitioner has raised are adopted, then the amount of spoil generated in the AONB will be very substantially reduced and there would be no requirement for a land fill site at Hunts Green, in the AONB.
- j. That in relation to the balancing ponds and other water management measures, that alternative techniques are considered in consultation with the local authority, and that if necessary waste water is tanked and then removed for sustainable disposal.
- k. That property blight (when the railway is operational) is compensated by extending the compensation available under the Land Compensation Act 1973 to cover all losses not just those relating to nuisance. The blight in the construction period (and in the 17 years from 2010 until one year after operations in 2027) is discussed in para 23 below.
- l. That all ancillary structures (e.g. transformer stations, portal buildings) be of such a design to blend into the environment and be suitably screened from residents, visitors and walkers. Security fencing should be sympathetically designed to blend-into the landscape.
- m. That the pylons are removed and the power lines are reinstated underground, (as proposed for other parts of the line) rather than moved and then re-instated on the surface, as proposed.
- n. That a Community Fund be established to pay for creating local facilities (replacing those lost) and financial support be available to maintain and re-establish retailing and other services in Great Missenden.

Addressing the construction issues

- 23 Your Petitioner requests that the Nominated Undertaker be required to mitigate the construction issues, by giving the Code of Construction Practice legal effect, with independent assessment of compliance and punitive sanctions for breach. The Code should specify the need for all work, facilities and construction, to be to the best available standards and techniques, so that the highest technically achievable levels of environmental protection are implemented for the construction and operation of HS2. Mitigations should include:-
- a. Properties in the area, including your Petitioner's members, are significantly blighted from the prospect of HS2, and this is likely to worsen when construction is underway. To address this:
 - i. The proposed 'need to sell' scheme should be amended to cover anyone wishing to sell their property if it is blighted - irrespective of financial status; or
 - ii. Alternatively, the property bond as proposed by HS2 Action Alliance should be implemented;

- iii. All those remaining who suffer the impacts of construction should be compensated.
- b. Construction noise (including vibration) lasts for years in total and so it should not be allowed to be treated as “temporary” and permit higher noise limits to apply than for HS2’s operation. Noise exposure should be monitored and enforced by the Local Authority who should have powers to stop work if limits are exceeded.
- c. Constructing new temporary roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB to be used by construction traffic e.g. Potter Row, Kings Lane, Hyde Heath Road, Hyde Lane and Frith Hill (South Heath Leg). In addition:
 - i. Prohibiting HGV movements outside the period 09:30 – 15:30 throughout this section of the AONB (e.g. on the A413 and B485).
 - ii. Prohibiting HGV movements along school routes between 15:00 and 15:30.
 - iii. Excess spoil that is removed along the trace to not interfere with the traffic on public roads that bisect the trace (that are themselves currently specified as construction routes e.g. the B485, Frith Hill (South Heath Leg)) by using traffic management, but have a grade separated junction (to either have construction traffic go over or under the road).
 - iv. Constructing a temporary bridge for Frith Hill (South Heath Leg) to avoid its lengthy planned closure and the loss of this important cycle route
- d. Prohibiting any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
- e. Operating a ‘Park and Ride’ scheme to transport construction workers along the trace, and supporting this by not providing parking for contractors at the construction compounds.
- f. Dust exposure limits to be specified, monitored and enforced by local authorities (funded by the promoter), with powers to stop works if exceeded.
- g. That contractors in the AONB be required to restore the land and temporary access roads after use to acceptable AONB landscaping and that local authorities be given the power to inspect such works and if necessary sanction contractors
- h. The Nominated Undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads are returned to their original size and character, and all damage repaired.
- i. That the Promoter provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response if measures to prevent congestion are ineffective.
- j. A hotline should be set up allowing road users to report any damage to the road, their property, or other related matters, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.

Conclusion

- 24 The points made above are in relation to the Bill as published for 2nd Reading and are without prejudice to your 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, which is deficient and in error in various ways. Your Petitioner is concerned that it may have missed a material point that it would wish to address the Select Committee on. Your Petitioner also wishes the ES to be corrected and then be permitted to raise further issues of concern on those matters which are corrected, or on which additional information is provided, e.g. road congestion, visual intrusiveness, waste management and noise. The points made above are without prejudice to any such further points.
- 25 Your Petitioner supports the petitions for a longer bored Chiltern Tunnel that extends throughout the AONB. Such tunnels are being petitioned by the Chiltern District Council, Chiltern Ridges Action Group (CRAG). If neither is accepted by Parliament your Petitioner supports the extended tunnel proposed by the Residents' Environmental Protection Association (REPA). The CRAG and REPA tunnels are described in the ES Volume 2 CFA9 at pages 39-42 (albeit that the REPA proposal is now slightly extended to Leather Lane).
- 26 If Parliament agrees a fully bored tunnel throughout the AONB then this addresses your Petitioner's concerns with the exception of those concerning unsuitable ancillary structures (e.g. vents) and effective compensation (albeit that fewer people would be affected). If Parliament only agree the extended bored tunnel (proposed by REPA) additional mitigations will be required north of the new north portal at Leather Lane.
- 27 For the foregoing and connected reasons your Petitioner respectfully submits that unless the Bill is amended as proposed above, so far affecting your Petitioner's members, should not be allowed to pass into Law
- 28 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, their rights, interests and property, and your Petitioner's area, and for which no adequate provision is made to protect them.

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Signed by: 

Richard Houghton, for Grimms Dyke (Liberty) Estates Ltd

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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Grimms Dyke (Liberty) Estates Ltd

AGAINST, By Counsel, &c.

