

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 Little Missenden Parish Council

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 (“the railway”, also referred to as “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”.
- 4 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. Clauses 19 to 36, along with Schedules 16 to 26, provide for deemed planning permission and deregulation across various fields.
- 5 Clauses 37 to 44, along with Schedules 27 to 29, deal with the regulation of the railway. This includes deregulation of the statutes governing existing railways, allowing for closure outside those present regimes. They also allow the nomination of an undertaker to exercise the powers in the Bill (“the Nominated Undertaker”).
- 6 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. Clause 48 provides a power for reinstatement works.
- 7 Other clauses within the Bill make provision for the Crown, for further high speed railway works and for the application of the Town and Country Planning

(Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) (or any regulations replacing them).

Your Petitioner

- 8 Your petitioner, Little Missenden Parish Council, is the custodian of an area of the Chilterns Area of Outstanding Natural Beauty (“the AONB”) straddling the Misbourne Valley. Your Petitioner’s area is bisected by the proposed HS2 route contained within the Bill (see Deposited Plans, Vol. 2.1, sheets 2-21, 2-22, 2-23 and 2-24, see also Deposited Sections, Vol.5, sheets 5-10, 5-11, 5-12, 5-13, 5-49 and 5-50).
- 9 Little Missenden is a mainly rural Parish of four wards with a total of 5,426 parishioners on the electoral roll, split between the villages of Holmer Green (3,455), Little Kingshill 910, Hyde Heath 837 and Little Missenden 224 (numbers accurate as at October 2013).
- 10 There are no large employers within the Parish, so employment is in small scale service companies, farms, or by commuting to larger centres outside the Parish. There are a number of small shops in Holmer Green and a community shop in Hyde Heath. The nearest large shopping centres are Aylesbury and High Wycombe.
- 11 The Parish contains one secondary school, four primary schools and two junior schools. There are three Anglican churches, two Baptist churches and one Methodist church. There is one doctor’s surgery in the Parish, in Holmer Green. The nearest A&E is at Stoke Mandeville, 12 miles from the Parish along the A413.
- 12 Apart from Holmer Green, the Parish is poorly served by public transport and is reliant on the car for access to work, shopping, school, and school buses to Amersham, Chesham and High Wycombe. The nearest train services for leisure and commuting journeys are accessed at Great Missenden, High Wycombe and Amersham.
- 13 Your Petitioner's parishioners and area will be directly, specially and injuriously affected by the provisions of the Bill, to which your Petitioner accordingly objects for the reasons, amongst others, hereinafter appearing.

Summary of your Petitioner’s concerns and objections to the Bill, and your Petitioner’s requested solutions/mitigation

- 14 Your Petitioner’s parishioners and your Petitioner’s area face a range of adverse impacts from HS2, both of a permanent or long term nature and also associated with the drawn-out construction works that will be required for the railway. The impacts may be divided, for ease of reference only, between the permanent/long term impacts and the construction impacts, and include:

Permanent/long term impacts:

- The impact on the AONB;
- The impact on public rights of way;
- The impact on ancient woodland;

- The impact of the proposed Little Missenden vent shaft;
- The impact of the proposed emergency station at Mantles Wood.

Construction impacts:

- The impact of construction vehicles on traffic flows;
 - The impact on pedestrian and cycle safety;
 - The impact on chalk streams;
 - Impacts from timing of works;
 - The impact on the emergency services;
 - Blight on property.
- 15 All or most of these impacts could be wholly avoided by an extension of the Chiltern Tunnel, presently proposed in the Bill, throughout the whole of the AONB. If the EU Technical Specifications for Interoperability (“the EU TSI”) remain unchanged and an intervention gap is adopted to meet them, then your Petitioner’s preferred option would be the “Green Route” proposed by Chiltern District Council.
- 16 Your Petitioner addresses the impacts, and the mitigation required, below.
- 17 Your Petitioner is also concerned that despite the adverse impacts to its parishioners and its area, the Bill as currently drafted denies the Parish the one tangible benefit that might flow from HS2:- access to HS2/Crossrail and also to HS1. The Bill would seemingly close the existing railway line into Paddington that would otherwise connect to the proposed interchange at Old Oak Common. This is important not only for your Petitioner’s parishioners and your Petitioner’s area but the whole of South Buckinghamshire.

Detail of Permanent/Long Term impacts

The impact on the AONB

- 18 Your Petitioner considers the current design for HS2 unacceptable due to the damage it will cause to the Chilterns AONB, through both the construction impacts of noise, dust, spoil dumps, road congestion, etc. and the operational impacts of a high speed rail line in the quiet recreational rural environment of the AONB.
- 19 The Chilterns Area of Outstanding Natural Beauty was designated in 1965 and covers 833 square kilometres. It is one of the finest landscapes in England and Wales. The importance of caring for these special places is enshrined in legislation including the Countryside and Rights of Way Act 2000. Section 85 of that Act places the following general duty on public bodies:
- “In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority (including a Minister of the Crown) shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

- 20 There is also a considerable body of national and local planning policy which specifically aims to conserve and enhance Areas of Outstanding Natural Beauty. This means there are tight controls on any form of development, small or large.
- 21 To reinforce these national aspirations for the Chilterns AONB, in 2004 Parliament established the Chilterns Conservation Board. The Secretary of State appoints eight members directly to the Board to represent the national interest.
- 22 The Chilterns AONB is one of the most popular areas in Europe for walking, cycling and horse riding. There are over 50 million visits made annually for the purposes of enjoying quiet recreation (information taken from Report by Tourism South East. (http://www.chilternsaonb.org/uploads/files/ConservationBoard/Chilterns_AONB_Visitor_Survey_2007.pdf)).
- 23 Your Petitioner respectfully requests that your Honourable House should pay special attention to the proposals in the Bill so far as they affect the AONB in order to determine whether due regard has been paid to this highly sensitive area and whether the proposed railway as presently formulated is appropriate in light of its adverse impact on the area, its residents, businesses and visitors.
- 24 Your Petitioner requests that the Bill be amended at Clause 1 and Schedule 1 (and elsewhere as necessary) to provide for the provision of an extension to the fully bored Chiltern Tunnel throughout the whole of the AONB, as this is the only way that this damage can be reduced and, in your Petitioner's opinion, the only mitigation that would adequately alleviate the detrimental impact that the proposed railway will otherwise have on the AONB.
- 25 If the EU TSI remains unchanged and the solution adopted for the fully bored tunnel to meet the TSI is to provide a gap for an emergency station (an "intervention gap"), rather than a third emergency access bore as used by the Channel Tunnel, then your Petitioner supports Chiltern District Council's proposal (identified as "the Green Route") for an extended bored tunnel, and humbly requests that Clause 1 and Schedule 1 to the Bill (and elsewhere as necessary) be amended accordingly.

The impact on Public Rights of Way

- 26 Your Petitioner's parishioners, and tourists to your Petitioner's area, are regular users of public rights of way ("PRoW") around the Misbourne Valley. Your Petitioner is concerned about the impact of works authorised by the Bill on PRoW in the area. Your Petitioner is specifically concerned about the impact of the Bill on connectivity between the LMI/21/1 and GMI/23/7. The current proposal results in a 1.5km permanent detour to this route onto a busy road with no pavement; this would make the use of these PRoW unviable.
- 27 Your Petitioner requests that your Honourable House amend the Bill so as to adopt the optimal solution of the extension of the Chiltern Tunnel throughout the AONB, as explained above.
- 28 If a fully bored tunnel throughout the AONB is not adopted, your Petitioner requests that an additional footpath or a green bridge be provided connecting LMI/21/1 directly to GMI /23 /1 with a minimal increase in length and avoiding road walking,

and that Clauses 1 and 3 with Schedules 1 and 4 to the Bill be amended accordingly, along with any other necessary amendments elsewhere.

The impact on Ancient Woodland

- 29 There is considerable loss of ancient woodland in the AONB associated with the proposed railway. Your Petitioner objects to the loss of any of the ancient woodland.
- 30 Ancient woodland represents, as stated by the Promoter, HS2 Ltd, an irreplaceable resource (ES Non-Technical Summary, Section 9.5; ES, Vol.2, CFA9, paras.7.3.4, 7.4.3, 7.4.4, 7.4.22 and elsewhere).
- 31 HS2 Ltd suggests that ancient woodland/ancient woodland soil will be translocated (see ES, Vol.2, CFA9, paras. 3.4.29 and 7.4.22). There is insufficient evidence suggesting that translocation of ancient woodland is successful. Even if there were evidence, translocation of ancient woodland would still be unacceptable. The loss of ancient woodland at Mantles Wood will affect your Petitioner's parishioners and visitors to your Petitioner's area, who use the site for recreational activities.
- 32 Your Petitioner requests your Honourable House amend the Bill such that the optimal solution of the extension of the Chiltern Tunnel throughout the AONB is adopted, as explained above.
- 33 If a fully bored tunnel throughout the Chilterns AONB is not adopted, your Petitioner requests that no ancient woodland is lost as a result of HS2, and that the route of the railway is modified to ensure this is the case (through amendments to Schedule 1 and elsewhere as necessary). As ancient woodland is irreplaceable, there is no mitigation for the loss of this resource.

The impact of the Little Missenden Vent Shaft

- 34 Your Petitioner is concerned about the design of Little Missenden Vent Shaft, which is noted in the Deposited Plans (see Vol.2.1, sheet 2-21) and Sections (see Vol.5, sheet 5-10) and the Environmental Statement (see ES Vol2, CFA 9, para.7.3.2). This structure will be clearly visible from footpath LMI/40 which runs through the site and the South Bucks Way and footpaths LMI/26, LMI/13 and LMI/40 on the opposite side of the Misbourne Valley, all used by your Petitioner's parishioners and visitors to the area. This will have a significant negative impact on the landscape, and ruin the aesthetics of the local environment within the AONB.
- 35 In order to minimise the impact of the proposal, your Petitioner requests that your Honourable House amend the Bill and/or demand undertakings from the Promoter that require (a) the Nominated Undertaker to consult meaningfully prior to construction, with your Petitioner and with local residents, on the detailed drawings and plans for the Vent Shaft housing and the associated external equipment and access roads (b) the Vent Shaft be designed to fit in with the surrounding environment, and be maintained to a high standard (c) visual screening that adds, not detracts, from the AONB and is also maintained to a high standard. Your Petitioner requests that the Bill be amended accordingly, whether by amendments

to Schedule 1, clause 19 and Schedule 16 or otherwise, and/or that appropriate undertakings be required.

Construction Impacts

The impact of construction vehicles on traffic flows

- 36 Your Petitioner is concerned about the impact of construction vehicles using the A413, B485 and Hyde Heath Road at up to 260 HGVs per day for five and a half years as detailed in the Environmental Statement. Your Petitioner's parishioners use these roads for access to work, railway stations at Great Missenden and Amersham, hospitals and schools as well as shopping and leisure journeys, and therefore construction vehicles using these roads will affect your Petitioner's parishioners directly due to increased delays in their daily journeys. Visitors to the area will also be adversely affected or may stay away completely.
- 37 Your Petitioner is also concerned about the likelihood of construction and other traffic being diverted on to other roads within the Parish, due to this increased traffic level causing holdups due to the sheer volume of traffic and blockages due to accidents. These roads are Village Road and Taylors Lane, Little Missenden, Hyde Heath Road through Hyde Heath village, Windsor Lane and Watchet Lane, Little Kingshill, and Watchet Lane, Beech Tree Road, Sheepcote Dell Road, Penfold Lane, New Pond Road, Earl Howe Road and the A404 through Holmer Green.
- 38 Your Petitioner requests that your Honourable House amend the Bill such that the optimal solution of the extension of the Chiltern Tunnel throughout the AONB is adopted, as explained above.
- 39 If a fully bored tunnel throughout the AONB is not adopted, your Petitioner requests that the Bill be amended and/or appropriate undertakings obtained from the Promoter to ensure that (a) construction vehicles avoid Village Road and Taylors Lane, Little Missenden, Hyde Heath Road through Hyde Heath village, Windsor Lane and Watchet Lane, Little Kingshill, and Watchet Lane, Beech Tree Road, Sheepcote Dell Road, Penfold Lane, New Pond Road, Earl Howe Road and the A404 through Holmer Green at all times due to the unsuitability of these roads; (b) the Nominated Undertaker accesses the worksites along the trace as the preferred option during construction and (c) that a clause is added to the Bill requiring the nominated undertaker to use rail access as the preferred means of transport, by constructing the route from the railheads already identified in the Environmental Statement.

The impact on Pedestrian and Cycling safety

- 40 Your Petitioner is concerned about the danger that the planned construction traffic will pose to cyclists and pedestrians along the A413 between Amersham and Great Missenden, and Great Missenden and Wendover.
- 41 Your Petitioner requests that your Honourable House amend the Bill such that the optimal solution of the extension of the Chiltern Tunnel throughout the AONB is adopted, as explained above.

- 42 If a fully bored tunnel throughout the AONB is not adopted, your Petitioner requests that the Bill be amended and/or appropriate undertakings obtained from the Promoter to ensure that provision of separated facilities for these road users is provided along the A413, including a pedestrian tunnel through the Chiltern Railway embankment at Deep Mill. This also will bring a long term safety benefit to these users of the A413.

The impact on Chalk Streams

- 43 Your Petitioner is concerned about the impact of construction works on chalk streams in the area, specifically those associated with the River Misbourne and Shardeloes Lake local wildlife site (“LWS”). Chalk streams are globally rare habitats and therefore special measures should be put in place to protect them. A number of your Petitioner’s parishioners live adjacent to the River Misbourne and Shardeloes Lakes LWS and others visit them to enjoy the unique habitats and ecology in this area.
- 44 Your Petitioner requests that your Honourable House require undertakings of the Promoter (or amendments to the Bill) to ensure that surveys are carried out to establish the current ecological value in these habitats, and surveying continues during construction and operation. Further, that if surveying demonstrates any adverse impacts during construction, construction in this area must stop until the cause is identified and negative impacts rectified. Any adverse impacts during operation must be addressed immediately. Surveys should be undertaken independently and at the expense of the Nominated Undertaker, and the survey method should be agreed with relevant stakeholders.

Impacts from the Timing of Works

- 45 Your Petitioner objects to the working hours set out in the draft Code of Construction Practice, along with that Code’s present status and enforceability. Your Petitioner’s parishioners live near the Mantles Wood Tunnel Exit and Little Missenden Vent Shaft sites and the A413 and Hyde Heath Road and therefore will be directly affected by construction works and traffic for the seven years of construction.
- 46 Your Petitioner requests that your Honourable House amend the Bill and/or require undertakings of the Promoter to ensure that working hours in the early morning and evening and weekend at Mantles Wood and Little Missenden Vent shaft sites and at other sites accessed via the A413 and Hyde Heath Road are curtailed. No work should be undertaken on these sites outside the core construction hours defined in the Draft Code of Construction Practice. Should any work required outside core hours; this should be at the discretion of the local authority (which should also be properly funded by the Nominated Undertaker to enforce the Code). Justification as to why work must be carried out outside of core hours will be required.

The impact on the Emergency Services

- 47 Your petitioner requests that your Honourable House amend the Bill and/or require undertakings of the Promoter to include a requirement that the Nominated Undertaker pay the Thames Valley Police Force and local Health Providers for the cost of the increased resources needed.
- 48 Your Petitioner is concerned regarding the need for increased police service provision during the construction phase due to the likely rise in crime rate due the introduction of an itinerant workforce into local communities and the additional costs which will fall upon your Petitioner's parishioners as a result. Similarly, the construction is likely to place additional strain on local health services.

Property blight

- 49 Your Petitioner's parishioners are concerned that the value of their properties may be adversely affected during the construction phase of the project, and they may have difficulty in selling, even at a reduced price. These concerns apply particularly to those who may be offered jobs in other parts of the country, or abroad, and to elderly residents who may wish to downsize, to move closer to family or into sheltered accommodation.
- 50 Your Petitioner requests your Honourable House require an undertaking from the Promoter that the current property compensation arrangements be subject to independent review, and that your Honourable House amend the Bill and/or require undertakings from the Promoter to ensure that full and fair compensation is made available immediately to anyone who has a need to move from a property blighted by the proposed railway and associated works, irrespective of distance from the centre of the line.

Bill's failure to provide your Petitioner's parishioners with railway benefit

Denial of South Buckinghamshire access to HS2 and Crossrail

- 51 Your Petitioner is concerned by the powers given the Secretary of State by Clause 39 of the Bill, which allows the permanent closure of railway services without consultation, combined with the Schedule Works, in particular proposed Schedule 1 Work No. 1/42 in the London Borough of Ealing.
- 52 Your Petitioner is concerned that Work 1/42 provides an accommodation access road on the current location of the Wycombe Single Line, otherwise identified as the Acton Northolt line in the Environmental Statement, which proposes the closure of this line. The Wycombe Single Line presently provides direct access from South Buckinghamshire to Paddington, and could be used to provide direct access from South Buckinghamshire to the proposed new Station at Old Oak Common, so to HS2 and also Crossrail. The loss of this direct access from the Chiltern Line to the proposed new station at Old Oak Common will prevent your Petitioner's parishioners having direct access to HS2 and Crossrail at Old Oak Common with the loss of the significant potential benefit in reduced journey times.
- 53 Your Petitioner requests that your Honourable House amend the Bill such that Work 1/42 in the London Borough of Ealing be deleted from Schedule 1 of the Bill and that

the replacement Railway Bridge over Old Oak Common be extended to include a double track access from the Wycombe Single Line and that Clause 39 be amended to remove sub-clause 1(b), so as to prevent permanent discontinuance of rail services following completion of the works.

South Buckinghamshire access to HS1

- 54 Your Petitioner is concerned by the decision to remove any HS1-HS2 link from the Bill. The removal of the link that was proposed, and considered in the Environmental Statement, without providing an alternative, removes the potential for improved connections from South Buckinghamshire to Stratford, North Kent and Europe.
- 55 Your Petitioner requests that an alternative HS2-HS1 link be provided as proposed by Greengauge21 in their paper, HS1 – HS2 connection: A way forward dated 1st April 2014.¹

Other matters

- 56 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner's parishioners, their rights, interests and property, and your Petitioner's area, and for which no adequate provision is made to protect them.

Reservation in the event of additional provisions/points missed within Bill/Deposited Plans/Sections, ES etc

- 57 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. For instance, your Petitioner has recently received a letter from the Promoter (HS2 Ltd) suggesting that it may wish to implement alternative access arrangements off the A413 for construction and maintenance purposes. If that were to be an additional provision, your Petitioner would object to it.
- 58 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 on which it would wish to address the Select Committee appointed by your Honourable House. The points made above are without prejudice to any such further points.

Conclusion

¹ <http://www.greengauge21.net/wp-content/uploads/HS1-HS2-Connection-a-Way-Forward-Final.pdf>
(accessed 11.05.2014 at 18:00).

- 59 For the foregoing and connected reasons your Petitioner respectfully submits that unless the Bill is amended as proposed above it should not be allowed to pass into law.
- 60 Your Petitioner supports the petitions for an extension to the fully bored Chiltern Tunnel that extends throughout the AONB.

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, its parishioners and area 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.

Signatories :

Chairman, Little Missenden Parish Council,

Chairman of Planning, Little Missenden Parish Council

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(LONDON-WEST MIDLANDS)
BILL

PETITION OF Little Missenden Parish Council

AGAINST, By Counsel, &c.

Petitioners

Graham Feltham
Chairman, Little Missenden Parish Council
Council Offices, 38 New Pond Road
Holmer Green,
Bucks
HP15 6SU
01494 713860

Leslie Giles
Chairman of Planning, Little Missenden Parish Council
Council Offices, 38 New Pond Road
Holmer Green
Bucks
HP15 6SU
01494 863109