

To the House of Lords
Session 2015–16

PETITION against the

High Speed Rail (London – West Midlands) Bill

THE PETITION OF THE LEE PARISH COUNCIL

Declares that:

1. The Petitioner ('Your Petitioner') is specially and directly adversely affected by the whole Bill.

2. Your Petitioner

Your petitioner is The Lee Parish Council, a local authority situated to the east of the Misbourne valley representing approximately 700 residents, all of which (hereinafter called 'Petitioner's Residents') will be in some way directly and specially affected, both during construction and after completion, by the proposed HS2 line.

The Lee parish is located in the Chiltern Area of Outstanding Natural Beauty ('AONB') which will itself be specially and directly affected.

The Lee Parish Council has regularly discussed the impact of the project on the village and its residents at its bi-monthly meetings. Its members have participated in the Community Forum process with representatives of HS2 Ltd since their inception in 2011. In addition The Lee Parish Council has submitted detailed consultation responses to the 2011 national consultation on High Speed Rail, the 2013 Draft Environmental Consultation and the 2014 ES Consultation. Your Petitioner and a great many Petitioner's residents also petitioned against the Bill during its passage through the House of Commons.

The Lee Parish Council fully supports The Chiltern Ridges HS2 Action Group's (CRAG) proposals for a tunnel continuing from the currently intended tunnel so as to secure a full tunnel throughout the Chilterns AONB.

Your Petitioner, The Lee Parish Council, and the rights interests and property of the Petitioner's Residents who your Petitioner represents, are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

3. Tunnel throughout the Chilterns AONB

Given its location in the Chilterns AONB The Lee Parish Council is very concerned about the serious and injurious effects of the currently intended proposals for HS2 regarding this part

of the AONB. This is the only AONB that the proposed route of HS2 passes through between London and Birmingham. Your petitioner requests that it is given special consideration.

This area is designated as an Area of Outstanding Natural Beauty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) and is further protected under the National Planning Policy Framework and the European Landscape Convention.

Your Petitioner contends that building HS2 on the surface in this section will permanently destroy the tranquillity of the area and the beauty of its landscapes, qualities for which many of your Petitioner's Residents moved to this area and currently enjoy, and that lead to the AONB being visited over 55 million times a year by visitors from London and other areas. Your Petitioner is further concerned that building HS2 on the surface will have severe adverse effects on the social, environmental and economic cohesion of the communities in which the Petitioner's Residents live during and after its construction and will permanently and seriously reduce your Petitioner's residents enjoyment of the natural benefits of the area in which they live.

Your Petitioner is also seriously concerned about the daily disruptions to the Petitioner's Residents lives which will result from the construction of the line and in particular traffic movements, congestion and access problems and other implications during what will be a long period of construction. Your Petitioner's Residents need to use the narrow lanes and roads which cross and will be affected by the construction of the proposed line for regular access to Great Missenden, Wendover and, in particular, the A413. Your Petitioner further regards this network of narrow lanes in the AONB as a characteristic feature of the area and is concerned about proposals to use some of them for construction vehicles and access to the trace and to and from the A413 and elsewhere.

Your Petitioner requests that the entire Chilterns AONB be protected by extending the presently proposed bored tunnel beyond Wendover, by requiring the construction of an extended tunnel, based on the T3i proposals, as developed by HS2 Limited, to ensure that the line passes through the whole of the AONB in a bored tunnel. The extended tunnel proposals have been referred to in the Environmental Statement and accepted by DfT and HS2 Ltd as both feasible and environmentally preferable. This proposal has been extensively discussed with local councils and action groups and within the local area forums, and is supported by them and by your Petitioner. The adoption of this proposal would substantially remove many of the adverse effects complained of in the remainder of this petition and the need for most of the proposed remedies otherwise required.

Your Petitioner requests that an independent assessment of cost including in respect of full tunnelling and a full cost benefit analysis is undertaken in relation to the AONB area before any construction works commence in this area.

Your Petitioner requests that if the proposal for a full tunnel throughout the AONB is rejected, then the following mitigation measures should be adopted and implemented.

Construction impacts

4. Roads, traffic and congestion management

Your petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures throughout the section of the proposed line which is in the AONB and in the Misbourne Valley in particular. Your Petitioner's Residents need to regularly drive through the AONB across the proposed line to reach places of employment, to access shops and recreational and medical facilities, to access Great Missenden and Wendover and the rail stations located in these two villages and to gain access by car or train to London and other areas outside the AONB. They will therefore be significantly, directly and seriously impacted by traffic congestion throughout the area for the duration of the construction works.

Your Petitioner's Residents regularly use the network of narrow lanes in the AONB which cross or run adjacent to the proposed line, including Leather Lane, Frith Hill (South Heath leg) Potter Row, Kings Lane, Bowood Lane and Chesham (Rocky) Lane, for the above and for recreation and leisure purposes and regard these as a characteristic feature of the area which should be protected in accordance with the Countryside and Rights of Way Act 2000.

Your Petitioner is also concerned that traffic seeking to avoid congestion during the construction period will inevitably place a further burden on the roads through this community, which are already under pressure and disrepair.

Your Petitioner therefore requests that HS2 Ltd be required to mitigate the remaining nuisances, by amending the Code of Construction Practice to enforce the measures set out hereunder and, for the avoidance of doubt, your petitioner would like to clarify that even if a full length tunnel proposal is accepted then certain road restrictions outlined below are appropriate and will still need to be applied:-

- a. Restricting HGV daily movements to the period between 09:30 and 15:30 throughout this section of the AONB, and particularly along the A 413
- b. Prohibiting any widening, straightening or enlargement of the narrow minor lanes
- c. Constructing new roads for the contractors and vehicles to access the trace directly from the A413, including new haul roads, to avoid linking the same with the Link Road roundabout at Great Missenden and at Rocky Lane and prohibiting the use of all existing narrow minor roads in the AONB by construction traffic.

- d. Constructing such facilities as may be necessary to remove spoil from the AONB area, including by rail or by pipeline, to apply proper methods of dealing with spoil so as to avoid the creation of the proposed temporary spoil dump at Hunts Green.
- e. Requiring contractors in the AONB to restore the land and temporary access roads after use to acceptable AONB landscaping standards and providing local authorities with the power to inspect such works and if appropriate sanction them.
- f. Ensuring that during construction, nominated undertakers are responsible for maintaining the quality of all roads used during and after construction, are returned to its original size and character and that all damage is repaired.
- g. Operating a 'Park and Ride' scheme to transport construction workers along the trace, and securing its use by not providing parking for contractors employees at the construction compounds or in their vicinity.
- h. Setting up a residents hotline through which they may raise any issues of concern during construction and in particular for road users to report any damage to the local roads. The local and highway authorities should have access to all reports, to ensure that all such issues are properly addressed and remedied within a reasonable length of time.

5. Noise during construction and train operation

Your Petitioner is concerned about the effects of noise arising from the construction of the high speed railway and associated development including heavy lorry traffic.

Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise in this tranquil area of the AONB. Noise will severely impact upon the use and enjoyment of the properties of Petitioner's Residents as well as on the neighbourhood's general amenity.

Your Petitioner requests that HS2 Ltd should be compelled to specify and require the use of best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the properties and there are no other adverse effects of a kind that either reduces residents' quality of life or the value of their properties. This should include the provision of suitable sound barriers which ensure compliance with World Health Organisation's ('WHO') acceptable peak sound levels, particularly along the open and raised sections of the line, including viaducts and embankments.

Your petitioner is concerned that HS2 Ltd has not set proper noise thresholds and has ignored national policy and the views of the World Health Organisation in this area and that the impacts of ground-borne noise have not been properly considered or explained and that the limit set for ground-borne noise does not reflect recent best practice or experience.

Your petitioner therefore requests that HS2 Ltd be instructed to issue revised noise thresholds covering exposure to noise, in rural and urban areas, during the day and night, which reflect World Health Organisation guidelines, including those on peak noise (60db max pass-by outside, giving 45db inside); that HS2 Ltd be required to similarly set noise threshold limits for construction which are in line with World Health Organisation recommendations and that local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached. Further that HS2 Ltd be obliged to commit to designing the high speed railway to operate and operating the same in such manner that the revised noise thresholds are not breached.

Your petitioner requests that the speed of the trains be reduced, in accordance with the recommendations of the House of Commons Environmental Audit Select Committee Report in order to help reduce the environmental impact and sufficient to ensure compliance with the World Health Organisation noise mitigation standards.

Your Petitioner requests that there should be binding mitigation measures, including an effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development.

These binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled "HS2 and the Environment thirteenth Report of Session 2013-2014" dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should therefore include but not be limited to full noise barriers and noise insulation for buildings and re-housing.

6. Dust and dirt during construction and train operation

Your Petitioner is concerned about dust and dirt produced both during construction and subsequent operation of the high speed railway and associated development and the effects of this on the properties of your Petitioner's Residents and the environmental quality of the neighbourhood.

Your Petitioner is concerned that there are no binding mitigation measures in place in relation to emissions, especially in light of the proposed siting of the temporary spoil placement areas, prevailing wind directions and the amounts of earth to be moved.

Your Petitioner submits that in relation to dust there should be a comprehensive and binding management plan, with a clearly defined protocol and authority for the monitoring of its implementation by the local authority.

Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the guidance on planning for mineral extraction in plan making and the application process issued 6 March 2014.

Your Petitioner requests that there is a requirement upon HS2 Ltd to undertake additional mitigation measures if dust becomes a nuisance to the adjacent properties and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner's Residents reasonable additional expense caused by dust and dirt.

Your petitioner requests the best means available for minimising noise, dust and/or vibration both during construction and operation are utilised.

Furthermore your petitioner requests that noise, dust and vibration monitoring equipment is installed at the construction and spoil sites for the duration of construction, that a monitoring programme is agreed with the Local or County Authority and that it is implemented with ability for the Authority to impose sanctions for breach and that finance be provided for this purpose. If monitoring shows that the noise, dust or vibration thresholds are exceeded, mitigation should be immediately required to be undertaken with sanctions for breach.

7. Air Quality

Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development. Your petitioner is particularly concerned about the air quality impacts of the Temporary Spoil Placement Area at Hunts Green Farm.

Your Petitioner requests that before construction commences there should be an air quality baseline monitoring study undertaken benchmarked against the Air Quality Standards Regulations 2010 and a copy of the relevant report should be provided to the Local Authority.

8. Working hours

Your petitioner objects to the working hours set out in the draft Code of Construction Practice. Your Petitioner's Residents live near to construction sites and construction traffic routes and will therefore be directly affected by construction works and traffic for many years. The draft Code of Construction Practice provides HS2 Ltd with a broad discretion to undertake construction activities during unsocial hours with no independent powers either of oversight or enforcement.

Your Petitioner requests that working hours in the evening and weekend are curtailed and that Environmental Health Officers from Chiltern District Council be empowered to enforce

such requirements. No work should be undertaken outside construction core hours, other than at the discretion of local authority with justification being required.

9. Code of Construction Practice ('CoCP')

Your Petitioner is concerned about the effectiveness of the current CoCP and further requests that the nominated undertaker be required to mitigate the remaining nuisances, by giving the CoCP legal effect with independent assessment of compliance and sanctions for breach of the Code. Your Petitioner is concerned that the nominated undertaker's ongoing accountability is also unspecified. The Code of Construction Practice does not identify how lead contractors or their subcontractors will be made to comply or the redress and/or appropriate action that might be available in the event that such contractors do not comply with the Code. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and its strategies will be fully effective. However, the Code has no legal status.

The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority and Community Forum Area. Measures should be subject to independent assessment, be verifiable and capable of challenge. This should also apply to noise and other deleterious effects that fall to be addressed in the Code of Construction Practice.

Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts. Your petitioner requests that measures be taken and changes be made in the Bill or the Code of Construction Practice or by requiring binding undertakings from the Promoter to address the various concerns of your Petitioner as listed above.

10. Emergency Services

Your Petitioner is gravely concerned that the emergency services will be unable to provide timely support to your Petitioner's Residents due to road congestion during the construction period, and point out in particular that the A413 and A404 carry ambulances to the local A&E department at Stoke Mandeville, as well as all HS2 traffic to and from the AONB.

Your Petitioner requests that the Promoter enter into discussions with the relevant highway authority, South Central Ambulance Service, Buckinghamshire Fire & Rescue Service and Thames Valley Police and provide a comprehensive traffic management plan which will enable the continued operation of traffic, including emergency services traffic, and provide

an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.

The Promoter should also be required to consider by risk assessment whether, with many construction sites operating in the area, it should have such contingencies in place in the event of any industrial accidents.

11. Finance for monitoring

Your Petitioner is concerned about the absence of any measurable independent method of monitoring compliance by contractors and other bodies in connection with the above concerns relating to noise, vibration dust, air quality and other construction issues.

Your Petitioner requests that HS2 Ltd be required to establish a 'One stop shop' operated by an appropriate Local authority in order to receive and deal with complaints and concerns of the residents both during and after construction.

Your Petitioner requests that the Local Authority should be provided with funding to undertake this responsibility, for monitoring and generally dealing with issues of non-compliance and enforcement.

Long-term impacts

12. Visual impact – tree planting

Your petitioner is concerned about the visual impacts in the AONB of the construction of works authorised by the Bill.

Your petitioner requests that tree planting is carried out prior to the commencement of any construction to ensure that screening is increasingly effective prior to construction and that such planting be designed in consultation with the local community to be in keeping with the surrounding environment.

13. Visual impact - electricity pylons

Your Petitioner is gravely concerned that the building of the line coupled with the existing electricity pylons and overhead lines alongside the line will create an unacceptable visual impact along the AONB section of the line from South Heath to Wendover in particular and that these, when coupled with raised embankments, viaducts, temporary spoil placement areas, raised bridges, the overhead line equipment that would supply power to the trains, acoustic and other fencing, will lead to significant detrimental landscape impact and create a major eyesore within the AONB. Your petitioner is further concerned that the work required to move such pylons has not been fully assessed or subject to any public consultation process.

Your Petitioner requests that, in the event that running the line through a continuous tunnel below the AONB is not accepted, then, as a minimum, the Nominated Undertaker should be instructed to permanently remove the electricity pylons along this section of the line (some of which are to be removed temporarily in any event) and that instead the power supply for this section be installed below ground.

14. Cumulative effect of damage and disruption between South Heath and Wendover

Your petitioner is concerned particularly about the inevitable cumulative long-term effect of environmental damage and disruption in the area between South Heath and Wendover.

The destruction of ancient woodlands, loss of farmland and landscape, loss of visual amenity, impact of noise, the cuttings, embankments and viaducts severely impact on this area of the Chilterns AONB. Your petitioner observes that severe disruption to traffic will also arise from the proposed works at Wendover, in relation to the proposed Cut and Cover tunnel.

Your Petitioner strongly objects to the diversions and closure of public rights of way in the area which are important facilities for both local residents and visitors to the area.

To mitigate the impact in this area, in addition to the other specific remedies referred to in this petition, your Petitioner accordingly requests:

- a. That provision is made for constructing bridges where there are established rights of way, including making these 'Green Bridges', bearing in mind not only the need to retain trees and shrubs but for access for wild life, particularly given that this is part of the AONB. Your Petitioners request that such Green Bridges, both of sufficient number and in appropriate locations, should be included to mitigate habitat fragmentation and facilitate species movement.
- d. That the speed of the trains be reduced in accordance with the recommendations of the House of Commons Environmental Audit Select Committee Report, in order to help mitigate the environmental impact
- e. That the Wendover Dean and Small Dean viaducts and adjacent embankments be of high quality design and to be as visually pleasing as possible, with complete enclosure where possible and with the maximum use of noise barriers on both sides.
- f. That the maximum amount of planting be used, at the earliest opportunity and with the use of mature trees able to grow to at least forty feet high, in order to conceal the line from view at the earliest possible time.

15. Spoil and temporary placement at Hunts Green

Your Petitioner has a number of concerns about the predicted impact of the proposals for waste management and the way in which volumes of waste have been calculated.

Your Petitioner regards the use of 'temporary' placement in the AONB (at Hunts Green) as a contravention of the provisions protecting the AONB in the Countryside and Rights of Way Act 2000. This large scale impact on the landscape is incompatible with its status as an Area of Outstanding Natural Beauty. A temporary spoil heap, if created behind Hunts Green, will take years to repair and will, in any event, create an unacceptable scar on the AONB.

The creation of a temporary placement area in this location will also mean significant adverse impacts on people and property in the surrounding area as well as local biodiversity given the potential for dust to spread across a wide area.

Your Petitioner accordingly requests that the plans for the Hunts Green Temporary Spoil Dump be omitted and that HS2 Ltd be required to formulate an effective waste disposal strategy reflecting relevant legislative requirements. Such arrangements should include for spoil removal from the area to be by rail or pipeline.

Your Petitioner also points out that, if the full tunnel proposals are adopted, the amount of spoil created by constructing this section of the line will be substantially reduced and that, as it would also all be removed via the Wendover exit of the tunnel, arrangements could more effectively be made for it to be moved to suitable destinations by rail or pipeline.

16. Compensation Provisions

Your Petitioner submits that, notwithstanding the recent changes made by the Promoter, the compensation provisions for property that is not compulsory acquired and other matters will not be sufficient to compensate your Petitioner's Residents adequately for the loss and damage they will inevitably incur.

Your Petitioner requests that the Bill be amended to ensure your Petitioner's Residents who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation for the full amount of loss attributable to the building of HS2. In particular, arrangements should be made for independent local Valuers to be appointed to advise the Promoter in relation to compensation assessments, the Need to Sell Scheme and other property valuations

17. Restoration of land after use for construction

Your Petitioner is concerned that land occupied and utilised by contractors during construction will not be immediately cleared and restored upon completion to a satisfactory standard for the AONB and that in the worst case that it will simply be abandoned by the contractors.

Your Petitioner requests that the Code of Construction Practice be amended to incorporate a requirement for contractors in the AONB to restore land without delay following the completion of each section of construction to acceptable AONB landscaping and that local

authorities be given the power to inspect such works and if necessary sanction contractors failing to meet appropriate standards in acceptable timescales.

18. Community funds

Your Petitioner reminds the Committee that the communities bordering the proposed route of the line through the AONB between Amersham and Wendover gain nothing from the building of the railway but are expected to bear the brunt of railway construction for many years and subsequently the intrusion of its operation. These communities will be significantly affected during the railway's construction, with every aspect of community life being disturbed and such construction and operation of HS2 will not only radically change the nature of the area on a permanent basis, but also lead to a severe loss of biodiversity (including in hedgerows), adverse health effects on residents residing near the proposed route and a negative impact on the visitor economy.

Your Petitioner therefore requests that the Committee require the Promoter to provide funding in the amount of £500,000 each to Lee Parish Council, Great Missenden Parish Council and Wendover Town Council to enable specialised assistance in identifying key priorities for mitigating the community impacts of HS2 and investing in community facilities in the area to reduce the adverse impacts identified above.

19. Other Bill issues

Your Petitioner expects to be able to consult on the final version of the CoCP and any other relevant documents that are produced, prior to construction taking place.

Your Petitioner generally requests that measures be taken and changes be made in the Bill and the Code of Construction Practice and by obtaining binding undertakings from the Promoter to address and remedy the various concerns of the Petitioner as listed in this petition in the most appropriate manner.

20. Full Tunnel proposal

The Petitioner emphasises that the mitigation measures set out in paragraphs 4 to 19 above would in large measure be unnecessary and the impacts would be significantly mitigated if the Bill were to be amended to include the provision of a full tunnel through the AONB as referred to in paragraph 3 above.

For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as requested above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.

21. The prayer

The Petitioner therefore asks the House of Lords that your Petitioner, or someone representing your Petitioner in accordance with the rules and Standing Orders of the House, be given an opportunity to give evidence on all or some of the issues raised in this petition to the Select Committee which considers this Bill.

AND the Petitioner remains, etc.

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John Ford
Chairman, The Lee Parish Council
13th APRIL 2016