

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

Against the Bill – Praying to be heard by counsel, &c.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF THE CHILTERNNS CONSERVATION BOARD

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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 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 ("Phase One of HS2") 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 Petitioners are the Conservation Board for the Chilterns Area of Outstanding Natural Beauty ("AONB") and have been invested by Parliament with a number of important powers and duties in relation to the interests of the environment and inhabitants of their area. The Chilterns Conservation Board was established in 2004 by Parliamentary Order under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000 to promote the conservation and enhancement of the Chilterns Area of Outstanding Natural Beauty.
8. Section 87 of the CRoW Act sets out the purposes of a conservation board:
  - a) to conserve and enhance the natural beauty of the area of outstanding natural beauty, and

b) to increase the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty.

In fulfilling these purposes, the Board has a duty to seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty.

9. Your Petitioners allege that they and their rights and interests in their area and the inhabitants thereof would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form and they accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.
10. Your Petitioners have provided advice on numerous occasions to the Promoters of the Bill with the aim of avoiding or minimising adverse impacts on the AONB. This advice, provided through bilateral meetings, community forum meetings, topic based meetings, site visits, responses to the draft and final Environmental Statements has almost without exception gone unheeded.

### **Introduction**

11. Your Petitioners oppose the Bill in principle. Whilst your Petitioners acknowledge that the principle of the Bill is established at second reading, your Petitioners' views on the subject are so strong, they must be recorded in this petition.
12. Your Petitioners oppose the provisions set out in the Bill because of the significant and irreversible damage they would cause to the nationally protected landscape of the Chilterns AONB and enjoyment of it, contrary to the purposes of designation.
13. The Chilterns AONB was designated in 1965 for the purpose of conserving and enhancing the natural beauty of its landscape and its cultural heritage and covers 833 square kilometres.
14. The Chilterns AONB 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 places the following general duty on public bodies:

“85: (1) 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.”

15. In addition, the importance of the setting of AONBs is now widely recognised. The Chilterns Conservation Board has published a position statement, adopted June 2011, concerning “Development affecting the setting of the Chilterns AONB”.
16. As required under the CRoW Act 2000 the AONB Management Plan produced by your Petitioners sets out the special qualities of the AONB with aims, policies and actions to ensure that those special qualities are conserved and enhanced. Those special qualities include:
  - chalk escarpment and downland
  - woodlands (particularly ancient woodland)
  - commons, heaths and greens
  - tranquil valleys
  - ancient route-ways and sunken lanes
  - villages and farmsteads with characteristic vernacular architecture
  - rivers and streams including globally scarce chalk streams, and
  - a rich historic environment including hill forts, chalk figures, ancient field and hedgerow patterns, great houses, designed landscapes and parkland.
17. Your Petitioners believe that the Environmental Statement deposited with the Bill (“the ES”) fails to adequately assess and report adverse impacts on the Chilterns AONB, its special qualities and its setting. It is also your Petitioners’ view that where there are options to avoid or minimise those adverse impacts they have rarely been taken by the Promoters of the Bill, and that consequently the Government has failed to demonstrate that it has fulfilled its Section 85 duty. Furthermore, your Petitioners believe that the ES has failed to adequately assess and report cumulative impacts.

18. Your Petitioners also believe that the ES fails to recognise the particular importance of the Chilterns AONB arising from its proximity to London and exceptional ease of access including for those living in London.
19. There are many matters which cause great concern to your Petitioners, arising from the major adverse impacts of proposals in the Bill on the AONB and its special qualities. Matters of concern include impacts of construction and operation of the scheme on the landscape, agricultural land and farm businesses, archaeology and cultural assets, ancient woodlands; ecology and wildlife; water environment and resources; community assets; local business and tourism, health and well being and the reputation of the AONB.
20. It is your Petitioners' understanding that within the AONB the proposed scheme would result in :
  - In excess of 12 million tonnes of spoil generated and potentially deposited in the AONB;
  - 18 hectares of woodland destroyed including 10.2 hectares of ancient woodland;
  - Over 200 mature and veteran trees (outside of woodland) felled;
  - 41 kilometres of hedgerows, including 5.6 kilometres of important and historic hedgerows, destroyed;
  - Ancient countryside lost;
  - 460 hectares of land taken for construction, 204 hectares permanently taken, of which 194 hectares are currently productive farmland;
  - Entire barn owl population for a 3 kilometre wide corridor lost;
  - Severe restriction of wildlife movement vital for survival – from larger mammals including deer to rare butterflies;
  - 150m of Grim's Ditch Scheduled Monument destroyed;
  - 17 kilometres of security fencing;

- 5.5 kilometres of noise barriers up to 4 metres high;
- A tunnel portal at Mantle's Wood, Hyde Heath;
- 3 vent shafts up to 4 metres high covering 3,300 sq metres each;
- 2 auto-transformer electricity stations covering 2,200 sq metres each;
- Up to 500 gantries carrying overhead wires;
- Two viaducts of 500 metres at Wendover Dean and Wendover up to 26 metres high including the gantries;
- Two so called "green tunnels" of 1 kilometre each which involve complete excavation to a depth of up to 20 metres;
- An unknown number of telecommunication masts;
- Nine new bridges for roads, tracks and rights of way;
- 6 kilometres of redesigned and re-aligned country roads;
- Over 3.5 kilometres of new service roads;
- An unknown amount of lighting and light pollution caused by trains and flashing from the pantographs;
- The creation of 29 settling ponds and flood swales;
- About 1.8 kilometres of embankments, some up to 16 metres high (with gantries of 8 metres on top);
- The visual intrusion and noise pollution of up to 36 trains per hour travelling at up to 360 kilometres per hour.

21. All of the above would have significant adverse and, in most cases, lasting impacts including on the landscape character, tranquility, ecology, heritage, local economy, residents of and visitors to the AONB.

22. Your Petitioners acknowledge the desire, in the public interest, to make cost savings but this desire has to be balanced carefully against other matters of public interest including social and environmental impacts. Your Petitioners believe that there has been a failure by the Promoter to take account of a full and proper consideration of natural capital within the business case for the Proposal. Your Petitioners request that this error be rectified.
23. The AONB will not only be affected by the permanent operation of the railway. There will be very substantial construction activities at a number of large worksites within the AONB over a number of years, with associated impacts of traffic, noise, dust and other harmful effects. The amount of land to be affected by what is called “sustainable placement” by the Promoters is also a very significant concern, particularly in relation to fundamental change in the landscape and loss of agricultural land.
24. Some of the points made by your Petitioners in this petition apply generally to the whole length of the line within your Petitioners’ area and some of the points are specific to particular sites.
25. Your Petitioners believe that many of their concerns could be met by agreement with the Promoter of the Bill.
26. Your Petitioners would contend that the majority of major adverse impacts are avoidable through the remedy of a full length bored tunnel through the Chilterns AONB as set out below.

#### **Environmental Statement (ES)**

27. Your Petitioners submitted detailed comments on the ES (and previously on the draft ES) to the Promoter of the Bill – and these have been the subject of a report by the independent assessor appointed by your honourable House.
28. Your Petitioners are concerned that the ES is flawed and inadequate for purpose, failing to provide the information necessary for a full and proper consideration of impacts.

29. Your Petitioners request that the deficiencies in the ES identified by your Petitioners are remedied by the Promoter of the Bill, presumably by way of an addendum to the ES. One reason this is so important is that the Environmental Minimum Requirements, which have been produced by the Promoter of the Bill in draft, contain important obligations which will fall on the Nominated Undertaker when constructing and operating the railway and a number of those obligations are specifically tied in to the ES and depend upon its accuracy.
30. It is your Petitioners' view that the ES substantially understates the impacts on the AONB. The ES states (Volume 3, 2.6.33) that "the effects of the Proposed Scheme on the special landscape qualities, natural beauty and landscape character and setting of the wider AONB during year 60 of operation will reduce such that it is not considered to be significant".
31. However, Natural England - the government's advisors on protected landscapes stated that: "Natural England considers that the significance of landscape effects associated with the Proposed Scheme on the Chilterns AONB is greater than that which is described in Volume 3 of the ES. We advise that further mitigation would be required to moderate these effects in order to satisfy the Government's policy set out in paragraph 116 of the NPPF".
32. Your Petitioners have based requests for amendments to the proposals and additional mitigation measures on the information contained in the ES. Your Petitioners remain concerned that there are adverse impacts which have not been assessed or reported fully in the Environmental Statement. As further detail becomes available, additional petitioning requests, beyond the current deadlines, may be necessary. Your Petitioners request that provision be made for hearing such additional requests.
33. One aspect where details of impacts have not been made available is in relation to spoil deposition in the AONB. The ES states that the current proposal would generate in excess of 12 million tonnes of spoil in the AONB. It would appear that the intention is to deposit much of this within the Chilterns and the ES even suggests that spoil generated from outside the AONB may be deposited within. However, other than the Hunt's Green "Sustainable Placement Area", no detail has been made available where the remainder is to be deposited, volumes at each location, where it is to be moved

from and to or transport methods.

34. Your Petitioners request that as a matter of principle, priority be given to avoiding and minimising long term impacts on the AONB rather than short term impacts. Local deposition suggests that the primary concern has been cost minimisation to the Promoter, rather than minimising environmental impact within the nationally designated Chilterns AONB.
35. Further omissions of detail within the ES include the impacts of construction traffic on built conservation areas including Church Street, Chesham, Bradenham and West Wycombe. Also, the basis for visual assessment changed significantly between the Draft and final ES – the limits of the Zone of Theoretical Visibility being reduced from 3km to 2km either side of the route, construction machinery such as cranes and route infrastructure including gantries, wirescape and telecommunication masts being omitted. Your Petitioners believe that as full details of these and other impacts become available, assessment by your Petitioners and others will undoubtedly lead to further petitioning requests.
36. Additional deficiencies of the ES identified by your Petitioners and which need to be addressed include - but are not limited to - the following points:
  - Your Petitioners agree with the concerns and recommendations of the Environmental Audit Select Committee of your honourable House regarding application of the mitigation hierarchy. The ‘mitigation hierarchy’ requires that priority is given to avoidance or prevention of impacts, then to reducing or abating them, with offsetting or compensation as a last resort. Your Petitioners agree with the Environmental Audit Select Committee that the Promoter of the Bill has ‘significant work to do to demonstrate that this approach is being applied, given the environmental damage current plans envisage.’
  - Failure to consistently apply and reflect the recognised Precautionary Principle in the assessment of impacts, so that adequate mitigation and compensation is secured on worst case scenarios.
  - Cumulative impacts are rarely taken into account. In their ES consultation response, Natural England state “that a route-wide assessment of cumulative

effects has not been undertaken as part of the ES". They quote "Guidelines for Landscape and Visual Impact Assessment" and "EIA" Regulations and "advise that an assessment of cumulative effects should be carried out for the route as a whole. Your Petitioners further advise that this assessment should pay particular consideration to cumulative effects felt within the Chilterns AONB".

- Over –reliance on the Code of Construction Practice to deliver mitigation (a draft document at the point of the assessment).
- Many effects considered in the ES to be temporary are in fact permanent – for example changes to infrastructure, road realignments, loss of tranquillity.
- Impacts of mitigation measures such as noise barriers and bunds and ecological mitigation planting are mostly excluded from the assessments.

37. Your Petitioners request that the deficiencies in the ES identified by your Petitioners are remedied by the Promoter of the Bill, presumably by way of an addendum to the ES.

### **Part 1: Full length bored tunnel through the Chilterns AONB**

38. As mentioned above your Petitioners' area is the Chilterns AONB and it is proposed in the Bill that the railway will be constructed within the Chilterns AONB between its southerly border, to the north of Chalfont St Giles, and its northern border to the north west of Wendover within the district of Aylesbury Vale (a distance of 20.9km).
39. Under current proposals, less than half the line as it passes through the Chilterns AONB will be in a bored tunnel (9.6 km), emerging into Mantle's Wood (ancient woodland) near Hyde Heath. The remaining 11.3 km would be on the surface, on embankments and viaducts, or in shallow cuttings or excavated cut and cover tunnels, all of which have significant and damaging environmental impacts.
40. As the ES recognises, national planning policy regarding AONBs is set out in paragraphs 115 and 116 of the National Planning Policy Framework (NPPF), which state as follows:

“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”
41. As the ES records, following consultation in 2011, there was a review of a number of options for the tunnel under the Chilterns. This review was documented in a report entitled “Review of possible refinements to the proposed HS2 London to West Midlands Route” which considered extended twin-bore tunnel options. As a result, additional tunnelling was incorporated into the scheme as part of the announcement made in January 2012, namely the tunnel being extended to the portal at Mantle’s Wood.
  42. Further consideration was given to longer tunnel options throughout the whole AONB, and as the ES says, these were discounted. A summary of the options assessment is contained in section 2.6 of volume 2 (CFA9 section) of the ES, and in short it can be said that whilst the Promoter agreed that all the alternative suggestions for a longer tunnel performed better than the Bill scheme in environmental terms, the Bill scheme was preferred mainly on the basis of cost. However, the tunnel options considered were only based on the existing surface alignment and failed to consider alignments more suited to a full length bored tunnel.
  43. It is your Petitioner’s contention that the Promoter of the Bill failed to take reasonable account of the benefits of tunnel options through the AONB. Only by doing so can it be claimed that the government has complied with the letter and spirit of the duty in Section 85 of the Countryside and Rights of Way Act 2000. Not to do so undermines that aim of designating and protecting the country’s finest landscapes.
  44. Natural England states in paragraph 2.37 of its response to the ES:

“It would seem, therefore, that an extended bored tunnel could provide the most effective means of mitigating the landscape and visual effects on the AONB.”
  45. In this case, the adverse effect on the AONB and other significant and avoidable impacts lead your Petitioners to the conclusion that the railway should be constructed in a full length bored tunnel through the Chilterns AONB (to beyond the north west of Wendover), with as few surface facilities as possible, and with different horizontal and vertical alignments to those currently proposed.

46. Your Petitioners believe, and intend to present evidence to your honourable House to show, that if the true environmental, socio-economic and health impacts of the current proposals were properly assessed it would be evident that a full length bored tunnel is the best option on economic, environmental and social grounds.
47. Your Petitioners respectfully request that your honourable House should take the opportunity of examining the proposals for the AONB to determine whether the proposals are appropriate in the light of their impact in the area. Your Petitioners also invite your honourable House to examine the options which were considered by the government in reaching their decision on the route in this area and decide whether your Petitioners are correct in their view that the government's decision was flawed in the light of the evidence available. Your Petitioners intend to present to your honourable House, with other Petitioners, alternative tunnel options for consideration by the select committee of your honourable House. To this end, your Petitioners, with other Petitioners, wish to submit a report to your honourable House, "High Speed Rail in the Chilterns: Feasibility Study of Alternative Tunnelling Options", prepared by Peter Brett Associates and released on 25<sup>th</sup> April 2014. This report has identified a tunnelling option that:
- significantly reduces the adverse environmental damage that will arise from the current proposals;
  - provides favourable and predictable construction conditions;
  - improves maintenance and reliability;
  - reduces energy requirements;
  - provides greater infrastructure security;
  - offers improved passenger comfort;
  - reduces property blight and compensation costs, and
  - significantly reduces the wider cost to society.

**Part 2: Matters which could be resolved by a full length bored tunnel through  
the Chilterns AONB**

48. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then the detrimental impacts arising due to the following matters could be resolved.

**Landscape**

49. It is your Petitioners' view that the Promoters of the Bill have substantially understated the impacts of the proposed works on the landscape of the AONB. Nonetheless, the Promoters acknowledge that the sensitivity of the AONB to change is high, that the proposed scheme will substantially alter the character of the landscape of the AONB and that significant adverse landscape impacts – direct and indirect - will remain.
50. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then the majority of the landscape scarring, landform re-modelling, visually intrusive infrastructure, lighting and noise disruption from construction activity, train traffic and night time maintenance activities (summarised in paragraph 20 above) would be unnecessary and the associated impacts would be avoided.

**Deposition of spoil and waste**

51. The depositing of spoil arising from the construction of the works is described as "sustainable placement" by the Promoters. There are very large areas of "sustainable placement" proposed within the AONB and elsewhere and this is justified on the basis that it would avoid the environmental impacts of transportation elsewhere. In the interests of long term environmental protection, there may be a need to reassess the short term impact of transportation compared with the detrimental impacts of significant artificial alteration of the terrain within an area which is designated as being of national importance because of its natural beauty, or to the permanent destruction of substantial areas of protected landscape.
52. The ES states (Volume 3 Route-wide effects, paragraph 2.6.3) that the sustainable placement area "will be indiscernible from the existing landscape". Your Petitioners

reject this. For example, it is hard to imagine how 1,928,002 tonnes of tunnel spoil near Hunt's Green Farm, South Heath, over an area which is 1.3km long, 450m wide (over 38 ha) and 5m high will be indiscernible. In excess of 12m tonnes of excavated material will be generated within the AONB with little detail available to indicate where this will be deposited. Such alien alterations in land form are contrary to the primary purpose of the AONB which is to conserve and enhance its natural beauty.

53. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then the volume of spoil would be significantly reduced, by almost 40%, and there would be no need to place large amounts of excavated material within the AONB.

#### **Balancing ponds and drainage areas**

54. There are 29 balancing ponds and land drainage areas shown on the maps contained within the ES that correspond to your Petitioners' area. The Chilterns AONB is a chalk landscape with very few surface water bodies and, therefore, these balancing ponds and land drainage areas represent alien features in the AONB and will have an environmental impact of their own which has not been assessed.
55. If your Petitioners' proposals for full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then no balancing ponds would be necessary and very few, if any, land drainage areas would be required and the associated impacts (fencing, change in landform etc.) would be avoided.

#### **Ancient woodland**

56. Your Petitioners object to the direct destruction of 10.2 hectares of ancient woodland by the current proposals within the AONB, from 4 separate woodlands (Mantle's Wood, Farthings Wood, Sibleys Coppice and Jones's Hill Wood), and the severe degradation and fragmentation of the remnants which remain adjacent to the route. The loss of ancient woodland has been understated by the Promoters in the ES, in your Petitioners' view. As ancient woodland is irreplaceable there is no mitigation possible for this loss, and the destruction of it is of national significance.

57. If your Petitioners' proposals for full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then no ancient woodland in the AONB would be lost.

### **Ecology**

58. Construction of the proposed route will destroy 41kms of hedgerow and 18 ha of woodland within the AONB, as well as in excess of 200 mature trees along roadsides and field boundaries. This represents not only direct loss but also fragmentation and isolation of remaining habitat areas. Species movement, vital for long term viability, will be impeded and extinction of mammal, invertebrate and plant communities is likely to happen long before mitigation measures are sufficiently mature to ensure their continued existence.
59. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then most of the hedgerows, woodlands, mature trees and other habitats within the AONB would be left untouched.
60. Your Petitioners are concerned about the impact of construction work on chalk streams and other water bodies, specifically the River Misbourne and Shardeloes Lake Local Wildlife Site. Chalk streams are a globally rare habitat and special measures should be put in place to protect them. The River Misbourne has been identified by HS2 as supporting otter, water vole and bullhead amongst other species. However, despite its importance as a habitat of principal importance and "the potential for ground settlement and loss of flow from the river to the chalk aquifer due to possible fractures in the chalk" the potential impact to ecology has been deemed insignificant. Your Petitioners have strongly objected to this assessment within their consultation response to the ES.
61. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House, the revised tunnel alignment, with more predictable tunnelling conditions, would reduce the risk of damage to both the aquifer and the River Misbourne.
62. The ES recognises that the current proposals are likely to lead to the extinction of barn owls within 1.5km either side of the route, thus creating a 3km wide sterile corridor

for this and other species that forage in a similar way (including bats and other birds). Multiple and on-going fatalities will occur from collision with oncoming trains.

63. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then most of these adverse impacts on barn owls and other species within the AONB would be avoided.

#### **Heritage in the AONB**

64. Your Petitioners are concerned about impacts on the heritage assets within the AONB. A 150 metre section of Grim's Ditch Scheduled Monument would be destroyed, medieval field patterns lost, the setting of listed buildings would be lost, known and yet to be discovered archaeological remains will be removed and a number of historic trackways dating back to medieval times (including Leather Lane, Bowood Lane, Kings Lane, Potter Row and the Ridgeway) would also be affected either by their use during construction of the proposed scheme or for the haulage of spoil, or by their realignment.
65. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then most of the important heritage along the route within the AONB would be protected.

#### **Public rights of way and Promoted Routes**

66. Your Petitioners are concerned that many of the proposed diversions of public rights of way which would be required if the railway were not constructed in a full length bored tunnel through the Chilterns AONB in your Petitioners' area are unacceptably lengthy and often include sections parallel to the rail route which will represent a significant loss of amenity.
67. In addition, many of the quiet lanes currently form part of the network for public rights of way users, be they walkers, horse riders cyclists or those with limited mobility, and under current proposals these will be disrupted by construction traffic and lose their rural character through re-design.
68. The Ridgeway national trail, Chilterns Cycle Way and other important promoted routes will be directly affected during construction and suffer long term loss of amenity caused by the visual and noise intrusion of the route.

69. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then these impacts within the AONB would be avoided. For example, the length of Public Rights of Way adversely impacted would be reduced from 9.4 km to less than one kilometre, and cycle routes adversely affected in the AONB would be reduced from 2.6 km to less than 200m.

### **Community impacts**

70. Unless the extended tunnel advocated by your Petitioners is included as part of the works of the Bill, there will be severe impacts on community facilities within your Petitioners' area. These include:

- access to the countryside for general amenity and health and well being;
- public rights of way, and
- local recreational facilities, e.g. Wendover Cricket ground and the Weights and Measures Gym.

71. The landscape of the Misbourne Valley, along with important visitor attractions including the Roald Dahl museum and the Forestry Commission's Wendover Woods make this an important tourism location with visitors making use of the scenic Chiltern Line railway and its convenient stations for the London populace. The 2007 Chilterns AONB Visitor Survey recorded the AONB received 55m visits a year which sustained over 3000 FTE jobs and generated more than £470m for the economy. A full length bored tunnel through the Chilterns AONB would avoid disruption to this important sector of the local economy and loss of reputation for the wider Chilterns.

72. Your Petitioners are concerned that over 10,000 residents live within 2km of the route as it passes through the AONB and, without a full length bored tunnel through the Chilterns AONB, they will suffer considerable disruption including travel delays and loss of property value.

### **Impact on agriculture and other land based activities**

73. Your Petitioners are concerned about the permanent loss of over 200ha of productive farmland. Severance within individual farm holdings and the introduction of mitigation planting and extraneous earthworks, including "sustainable placement" will affect a

much greater area. Impacts will be severe during construction and operational phases. Your Petitioners are concerned that business profitability will be reduced to a level that a number of farms will become unviable. It is highly desirable that the Misbourne Valley remains a viable farmed landscape.

74. If your Petitioners' proposals for a full length bored tunnel through the Chilterns AONB were to be accepted by your honourable House then these impacts within the AONB would be avoided.

### **Part 3: Further petitioning requests**

75. It is your Petitioners' view that a full length bored tunnel through the Chilterns AONB is the only effective way to significantly reduce the adverse impacts on the nationally protected landscape of the AONB. However, if your honourable House is content that the government's decision was correct your Petitioners have identified a number of further measures which the Promoters should make to mitigate and compensate some of the adverse impacts of the scheme as listed in paragraph 20.
76. Your Petitioners would respectfully request to be consulted on all matters of landscaping and design. We would expect full liaison with the Nominated Undertaker to assist with compliance with section 85 of the CRoW Act.
77. Your Petitioners request that the mitigation hierarchy should be truly adopted with greater exploration of alternatives that avoid environmental damage.
78. Your Petitioners request that where the ES identifies residual adverse impacts, compensation should be to the fullest extent.
79. Your Petitioners consider that the Bill as drafted will not achieve the stated aim of 'no net loss' of biodiversity. Your Petitioners share the concerns raised by the Environmental Audit Select Committee of your honourable House regarding measuring, monitoring and reporting of the biodiversity impacts of the scheme to ensure that the scheme does not result in a biodiversity net-loss. Your Petitioners agree with the select committee recommendation that the Promoter of the Bill should aim higher than simply striving for no net biodiversity loss and should align with current Government policy to achieve a net gain in biodiversity rather than no net loss.
80. Your Petitioners request that the biodiversity offsetting metrics used by the Promoter of Bill should be adjusted to encompass the precautionary principle with all findings and recommendations being independently monitored.
81. Your Petitioners request that biodiversity compensation measures should be sought in locations where the best opportunities occur. In places these may not necessarily be alongside the route – Biodiversity Opportunity Areas (BOAs) within the AONB should be considered.

82. Your Petitioners request that ring fenced and adequate funds be made available to secure all identified environmental protection, mitigation, compensation, long term management and independent monitoring. Scope for avoiding such work as not “reasonable” or “practical” (terms frequently used within the ES) needs to be removed.

### **Vertical and Horizontal Alignment**

83. Your Petitioners request that the vertical alignment is lowered, typically to a depth of 8m below ground level (the height of gantries), to ensure all rail structures are hidden below current ground level allowing replacement road and access bridges to be at grade. This would significantly reduce current adverse landscape impacts.
84. Your Petitioners note that the nominated undertaker is empowered under the Bill to construct any of the scheduled works within the limits of deviation shown on the deposited plans and would be empowered to deviate vertically upwards to any extent not exceeding 3 metres from the level shown for the work in question on the deposited sections. Furthermore, the nominated undertaker would be empowered to deviate vertically upwards by any extent in respect of works authorised by the Bill which are not scheduled works. Your Petitioners consider that the upward limits of scheduled works should be limited so that a maximum of 1 metre’s latitude is allowed, that suitable limits should be imposed in respect of other works and that any deviations should only be undertaken if there are demonstrable environmental benefits.

### **Cuttings**

85. Your Petitioners request that all cuttings are constructed with retained sides to:
- minimise land requirements and removal of ecological and cultural features (including areas of ancient woodland);
  - reduce noise impacts from rail and catenaries, and
  - prevent creation of foraging habitats (grass banked cuttings) and, therefore, reduce loss of foraging species that would use this habitat (e.g. barn owls, brown eared bats).

## **Spoil**

86. Your Petitioners request that all excavated, waste material and spoil not required for construction should be removed from, and disposed of, outside the AONB as it is generated. Material stockpiled temporarily should be minimised, because such deposition would add to land use degradation and result in detrimental landscape impacts. Should the scheme proceed then your Petitioners would wish to ensure that agreement is reached with the Promoters of the Bill and Nominated Undertaker on lorry routes, avoiding sensitive residential areas near the sites and sensitive, historic routes and trackways. In particular, Hyde Lane, Kings Lane, Potter Row, Bowood Lane and Leather Lane should not be used for construction traffic.

## **Infrastructure design**

87. Your Petitioners request that infrastructure design in the AONB must be of the highest quality and designed for its specific setting.
88. Your Petitioners request that infrastructure design in the AONB, especially bridges, viaducts and vent shafts, should be subject to design competitions and that this be assessed independently of the Nominated Undertaker.

## **Pylons**

89. Your Petitioners are concerned that the building of the line coupled with the existing high voltage electricity pylons and overhead wires alongside the line will create an unacceptable visual impact within the AONB (from Mantle's Wood to beyond Wendover in particular). When coupled with: raised embankments; viaducts; sustainable placement areas; raised bridges; the overhead line equipment that would supply power to the trains; acoustic and other fencing, the pylons and overhead power lines would lead to significant detrimental landscape impacts within the AONB.
90. Your Petitioners request that, in the event that your honourable House does not accept your Petitioners' proposal to run the line through a full length bored tunnel through the AONB, then, as a minimum, the Nominated Undertaker should be required to permanently remove the high voltage electricity pylons and overhead wires (some of which are to be removed temporality in any event) along the section of

the line that runs overground within the AONB, and place the power lines below ground.

### **Green bridges**

91. Your Petitioners request that every crossing point should be designed as a green bridge to:
- mitigate habitat fragmentation and facilitate species movement;
  - reduce landscape impact, and
  - improve enjoyment for walkers, horse and bike riders.
92. The current proposals include no crossing points for wildlife between South Heath and the Wendover Dean Viaduct, a distance of some 3.5 km. Consideration should be given for further green bridges, solely for the use of wildlife, in locations best suited to assist wildlife movement and mitigate habitat fragmentation. Your Petitioners note that the Promoters of the Bill have accepted and agreed to build several green bridges elsewhere along the route, yet none have been provided for the AONB.

### **Ancient Woodland**

93. Ancient woodland is irreplaceable and, therefore, your Petitioners request that such woodland should be treated separately from the “net gain/net loss” calculations in the ES. Any loss, damage or fragmentation of ancient woodland should be afforded the maximum possible compensation.

### **Mitigation and compensation planting**

94. Your Petitioners request that all mitigation and compensation planting be:
- subject to best landscape design to compliment local landscape character;
  - planted using appropriate species for the locality and current advice concerning pests, disease and climate change;
  - planted as far in advance of construction as possible, and
  - maintained and monitored for a minimum of 60 years at the expense of the nominated undertaker.

Your Petitioners are well placed to advise on these matters and would request to be fully consulted.

### **Survey and monitoring**

95. Your Petitioners request that full ecological and historic environment surveys are carried out prior to work commencing, sufficient to adequately inform avoidance or mitigation of impacts with particular reference to un-surveyed areas, ancient woodland and protected species including great crested newts and bat species.

### **Water resources**

96. Your Petitioners contend that the ES fails to adequately identify or assess significant impacts on water resources/ water bodies in the AONB including on the globally rare chalk streams. Your Petitioners would suggest that this is potentially grounds for additional petitions relating to the implications of the proposed scheme on achievement of Water Framework Directive targets in the Chilterns.
97. Your Petitioners recognise that proper drainage facilities are required for the railway but require justification from the Promoters that those proposed in the Bill are adequate, particularly taking into account the effect on the AONB, agricultural and other land take, river and groundwater quality.
98. Your Petitioners fundamentally disagree that the Promoters have considered the true extent of impacts of the Scheme on flooding and water resource. The areas that are evaluated rely upon general assumptions and are covered only at a superficial level. There are a number of waterways that cross the path of the proposed rail line and with the recent flooding of several of these areas in early 2014 and the heightened risks identified by numerous authorities including the Environment Agency, this is a concern for your Petitioners.
99. The ES identifies major risks and activities that could lead to “catastrophic” impacts on groundwater quality as a result of construction activities. Impacts of the scheme on groundwater flows and quality have not been adequately assessed and your Petitioners consider that this needs to be remedied.
100. Your Petitioners consider that further assessment is required on the potential impacts on the River Misbourne, so that the impacts of the construction of the railway on it

are properly understood before sufficient mitigation can be recommended. An assessment of the impacts on the Chess catchment are also essential as the groundwater catchments are linked.

101. The Chilterns chalk aquifer accounts for a considerable percentage of the water supply to both the Chilterns and outer London which should not be put at risk. In the absence of a management strategy and agreement with Affinity Water, the impacts of sourcing drinking water supplies from other locations have not been identified or assessed. No additional supplies should be taken from already over-abstracted/ over-licensed water bodies in the Chilterns.
102. Your Petitioners consider that the Promoters have failed to consider adequately future maintenance requirements of the balancing ponds and other water features. A number of examples show the land (with a new pond) being returned to the existing landowner, however, no mechanism for payments or methodology for maintenance have been suggested. Your Petitioners also consider that the risk of ground collapse in areas of deep sections of weathered chalk has not been adequately considered or planned for.
103. Surface features such as balancing ponds are alien in a chalk landscape and your Petitioner would ask that they are designed to naturalise their appearance and value for wildlife. Water bodies and drainage created as part of the scheme should form part of the Environment Agency's Catchment Management Plans.
104. Your Petitioners believe that there are opportunities for the Promoters to align works with the Environment Agency's Catchment Management Plans and to contribute to achievement of Water Framework Directive targets for both ground and surface water bodies, and your Petitioners would ask your honourable House to require the Promoters to do so.
105. Your Petitioners consider that a number of significant earthworks to be carried out during the construction phase will present a risk of silt pollution to local watercourses and groundwater contamination. Your Petitioners therefore request that all site run off is captured and adequately treated.
106. Comprehensive monitoring of the River Misbourne flows and levels within Shardeloes Lake should be undertaken and conservative trigger levels should be required, which if

surpassed will require immediate further investigation and mitigation as appropriate. Monitoring of aquatic macro-invertebrates, fish populations and water quality should be incorporated as indicators of chronic or acute water pollution.

## **Heritage**

107. It is important to emphasise the richness of the heritage in your Petitioners' area. There are many listed buildings that could suffer serious negative impact. Demolition of any such building would only result in a net loss to the heritage of your Petitioner's area. Your Petitioners believe that specific provisions should be made to ensure that any construction works minimise the effects on listed buildings. Proper safeguarding measures should be carried out to all listed buildings and buildings within conservation areas (including Great Missenden, Little Missenden, Church Street, Chesham, Bradenham and West Wycombe in connection with traffic impacts for example), having particular regard to their special interest, and special interest should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Your Petitioners are also concerned about the impact of construction works and permanent new buildings on the setting of existing listed buildings and their environs. Your Petitioners submit that the Promoters should be required to ensure that all such works and buildings are designed sympathetically with special regard to their impact on the surrounding areas.
108. Grim's Ditch Scheduled Monument: This is an Iron Age bank and ditch significant as a long cross-county linear feature. 150 metres of this section will be destroyed. Your Petitioners request your honourable House to require the Promoters to ensure that the Ditch is subject to the terms of a heritage deed, and in particular that it is properly recorded before its destruction.
109. The Nominated Undertaker should provide adequate opportunity and funding for archaeological investigation in respect of each of the construction and work sites in your Petitioner's area. In your Petitioners' submission the Nominated Undertaker should be required to agree a programme of such work with local authorities and English Heritage. Your Petitioners also submit that the funding of this should be borne by the Nominated Undertaker. In addition, the Nominated Undertaker should be

required to make sufficient financial provision for any archaeological finds to be archived, stored and presented for the public to appreciate.

### **Public rights of way**

110. Your Petitioners request that all lanes and public rights of way that are to be “upgraded” as part of the construction of the proposed works should be restored faithfully to their previous appearance and that public rights of way should be restored to their original alignments and condition and, where this is not possible, reinstatement should adopt the following principles:

- rights of way should not be diverted alongside the HS2 route as train noise and artificial landscaping will not be enjoyable for walkers or riders (examples of footpaths diverted alongside the route include GMI/33 near Hyde Lane, GMI/13 and GMI/12 near Potter Row);
- alternative routes should provide suitable links to the rights of way network (these should be some way away from the route and are likely to use field headlands and boundaries to avoid further disruption to land management);
- strategic links should be sought that benefit local communities and visitors (e.g. links to villages, schools, pubs, attractions);
- replacement routes should lead to a net gain in recreation and access and add to the current network whether they are footpaths, routes suitable for those with limited mobility, bridleways or cycle routes (it is important to realise that many of the quiet lanes crossed by the HS2 and identified as construction routes are heavily used by walkers, cyclists and horse-riders);
- during construction, segregated lanes should be provided for walkers, cyclists and horse riders to protect them from construction traffic;
- reinstated routes should replicate the character of current routes within the AONB, they should not create urban-style paths with surfacing, handrails, curbs, metal signs etc. that would not be in keeping with the local landscape;

- where rights of way are re-instated on road crossings, careful consideration needs to be given to the type of crossing used considering both user safety and local character, and
- any structures (footbridges, ramps, steps etc.) should be designed to compliment local landscape character and comply with the “Environmental Guidelines for the Management of Highways in the Chilterns” (your Petitioners will be able to provide guidance and advice in this regard).

### **Community**

111. Your Petitioners request that the Code of Construction Practice (“the CoCP”) should require the maximum use of the railway trace for the movement of personnel, machinery and materials (construction and waste) and should minimise the use of local roads. In particular, Hyde Lane, Frith Hill, Kings Lane, Potter Row, Leather Lane and Bowood Lane should be avoided.
112. Your Petitioners request that the use of temporary haulage roads, to access construction sites from main highways, should be required to avoid the need to “up-grade” historic rural lanes.
113. Your Petitioners request that working hours and travel management plans should be devised to avoid and minimise disruption to local communities.

### **Noise**

114. Your Petitioners consider that the whole scheme should be designed to minimise noise disturbance and that the Promoters should seek to ensure that the lowest noise levels possible are obtained. The Promoters should not just comply with current best practice (the World Health Organisation’s guidelines for example) but should ensure that the scheme is designed to take account of likely future requirements. Such “future-proofing” should allow for the highest possible standards to be met for the life of the project (60 to 100 years).
115. Your Petitioners are concerned that significant effects from stationary and static sources have been “scoped out” of the ES. For example, this means that the noise from tunnel vent shafts has not been assessed. Your Petitioners are also concerned that the effect of the project on tranquillity in the AONB has not been properly

assessed. A further concern is that the Promoters have used a method to predict significant effects which masks possible disturbance in the evening and in the early morning when the train noise will be more noticeable. Your Petitioners would ask your honourable House to require the Promoters to carry out a reassessment of the significant effects identified in the ES with any significant changes in numbers of properties so affected reported to Parliament, in the form of an addendum to the ES.

116. Your Petitioners also allege that there is a lack of detail on noise mitigation in the CoCP, which in any event will remain in draft until after the select committee of your honourable House has considered this petition. Your Petitioners are also concerned that clear accountability and enforcement protocols are not defined in the CoCP. Your Petitioners would ask your honourable House to require the Promoters to address these issues.
117. The Promoters have not carried out a comprehensive sound, noise and vibration baseline assessment in the AONB (except for those locations where the community resides or works). In your Petitioners' view, this is a major omission from the ES. The Promoter has argued that such an assessment is not within the Sound, Noise and Vibration theme. Most Landscape Character Areas are reported as having a high sensitivity to change. Your Petitioners would ask your honourable House to require the Promoters to address these issues.
118. Your Petitioners are dissatisfied with the way in which the tranquillity of the AONB has been assessed in the ES, and downplayed considerably by the Promoters. Your Petitioners request that the Promoters be required to revisit this aspect.
119. Whilst it is accepted that the Promoters' use of a sixteen hour day time LAeq for assessment is standard practice, your Petitioners are concerned that this may mask the significance of impacts generated by the project in the evening when residents in your Petitioners' area have a reasonable expectation of peace and quiet. This principle also applies to the Promoters' use of an eight hour night time LAeq. Indeed, HS2 trains will only operate for three hours of this period. Your Petitioners are concerned that smoothing the data over an eight hour night time period may mask the significance of impacts particularly in the period between 11pm and midnight when many residents are trying to get to sleep and five and seven in the morning when sleep patterns may be adversely affected.

120. Your Petitioners believe that the only practical way to mitigate this effect would be to apply a speed restriction to trains in the AONB. Your Petitioners ask your honourable House to require that the Promoters undertake that a speed restriction of 300km/h or less will be applied to all trains running through the AONB. Furthermore, your Petitioners ask that the Promoters be required to carry out an assessment of the reduction in noise levels that would arise from reducing train speeds to a range of speeds between 275 and 300 km/h and in doing so determine the cost benefit of each option. The speed that provides the greatest benefit to cost relationship should be applied.
121. No proper information has been made available to your Petitioners about the design of noise barriers. Your Petitioners have a particular concern, because whilst barriers can sometimes be an effective way of mitigating noise, they will be an alien feature in a rural setting within a nationally protected landscape and are visually intrusive (being up to 4m high and several kilometres long). Your Petitioners are aware that local authorities have some limited control over barrier design, but would ask your honourable House to require the Promoters to ensure that local residents and others who will be significantly affected will have an opportunity to influence barrier design.
122. Your Petitioners respectfully submit that the promoters should be required to ensure that airborne noise and vibration both during the construction period and afterwards is kept to an absolute minimum by the use of the most advanced technology and machinery.

### **Highways and traffic**

123. Within your Petitioner's area major disruption will be caused by the large number of lorry movements on the limited major routes capable of being used by large, heavy vehicles. The number of lorry movements will cause damage to the existing infrastructure with consequent maintenance and repair costs. There is the likelihood of further disruption as commuters try to avoid roads being used by construction traffic and instead use less appropriate routes.
124. Each of the construction sites in the AONB will be centres to and from which large quantities of construction materials and equipment will be transported, together with staff. There will also be the problem of removal of spoil from the working sites.

125. Your Petitioners submit that the Nominated Undertaker should be required to use every endeavour to utilise the railway trace, other rail and river for transport purposes before considering specially constructed haul routes and A and B class roads. The Nominated Undertaker should be required to specifically avoid historic lanes and trackways (including Leather Lane, Bowood Lane, Frith Hill, Kings Lane and Potter Row for example). The Promoter of the Bill and subsequent Nominated Undertaker should confirm the numbers and type of vehicles on specific routes and assess impacts accordingly, particularly cumulative impacts. The Nominated Undertaker should also be required to minimise the cumulative impact of lorry movements by properly managing lorry movements, keeping the number of movements to a minimum, using the strategic road network and confining movements to normal worksite hours.
126. Your Petitioners are concerned that many of the roads used in the construction phase will suffer irreparable damage and wish to ensure that the “Environmental Guidelines for the Management of Highways in the Chilterns” are adhered to. Your Petitioners submit that:
- a) the Nominated Undertaker should be required to carry out and fund all necessary remedial and repair works to the highway and any necessary bridge strengthening to a standard specified by the relevant authorities in respect of all highways and bridges for which they are the responsible authority;
  - b) the Promoters of the Bill should be required to reinstate to their former condition any historic road or trackway, and
  - c) the Promoters of the Bill should be required to carry out detailed condition surveys before and after the construction period on land in their ownership which is to be and is affected by the proposals, particularly on highways which are to be used as worksites or which will be heavily used by construction traffic.

### **Construction impacts**

127. Your Petitioners are concerned to ensure that there will be practical measures put in place to ensure that there is proper accountability on the part of the Nominated Undertaker and that there are proper enforcement measures in place (which are independently enforced with appropriate penalties for non-compliance) to deal with complaints about the nominated undertakers’ contractors and to rectify any breach of

the CoCP, LEMPs or other requirements placed on them. Your Petitioners are particularly concerned about the difficulties that will be encountered where there will be impacts created in situations where a multitude of contractors is employed by the Nominated Undertaker. Your Petitioners are keen to ensure that there will be a way of dealing with small claims rapidly, that there should be a single point of contact for residents who wish to make representations effectively, and that there should be a complaints commissioner, in line with precedents set by Crossrail and HS1.

128. Your Petitioners have concerns about the use of various areas within its area for spoil handling. The Environmental Statement says that excavated material will be removed by road to or from the sites for a number of years. Your Petitioners are concerned in particular about the hours of operation at the worksites, particularly during the period when spoil will be removed by road.
129. Your Petitioners are concerned about the potential effects on road traffic, pedestrians and property owners, residents, visitors and businesses near and en route to worksites. Your Petitioners consider that the Promoter has inadequately considered the impacts of diversions on local businesses, travel to work and other road use.
130. Your Petitioners are concerned about the wider impact of construction related activities on the public realm, for example the impact that dust generated from worksites would have on properties in the vicinity of the project. Property maintenance would need to be carried out on a more regular basis. Your Petitioners submit that the cost of this should be borne by the Promoter and asks your honourable House to ensure that this takes place. This is particularly important for listed buildings and other heritage assets.
131. Your Petitioners are concerned that the impacts of the project on the: reputation of the AONB; agricultural land and businesses have not been considered in sufficient depth or detail. The economic and social well-being of the residents of, and visitors to, the AONB are likely to be detrimentally affected. Furthermore, no mitigation measures have been proposed to deal with these impacts. The adverse impacts on the reputation of the AONB can lead to a decrease in the number of visitors because people would have less enjoyable experience of the area. The adverse impacts on agricultural land can arise from land severance which could lead to direct impacts on farm operations. The adverse impact on businesses can arise from the land take

associated with construction, which in some cases could extinguish the business, the loss of the viability of businesses affected by construction activities including traffic and other disturbances and by environmental impact created by the proximity of businesses to construction sites rendering them less attractive to customers or clients. Your Petitioners would ask your honourable House to require that the Promoter carries out a reassessment of the impacts on local businesses within your Petitioners' area and ensures that adequate mitigation measures are in place to deal with the likely impacts. The full costs of any such mitigation measures should be borne by the Promoter.

132. Your Petitioners have concerns about the use of artificial lighting at construction sites within the AONB. Whilst your Petitioners acknowledge that local authorities will have some degree of control over lighting as a result of the planning controls in the Bill, your Petitioners do not think they go far enough, and that in particular the use of lighting should be minimised within your Petitioners' area. Your Petitioners would ask your honourable House to require that the Promoter ensures that there is minimal use of artificial lighting within the AONB.
  
133. Your Petitioners have concerns that upgrading of local highways will not be in character with the local landscape. An example is the proposed new roundabout junction between a diverted Chesham Road and Kings Lane which would also introduce new street lighting to what is currently a rural setting. Your Petitioners request that any road redesign replicates the current rural character and is in keeping with current landscape character, complying with guidance published by your Petitioners and local highway authorities ("Environmental Guidelines for the Management of Highways in the Chilterns").

#### **Code of Construction Practice**

134. Your Petitioners do not believe that all the likely significant effects on the environment have been adequately described in the ES and are of the view that the mitigation measures proposed have not been adequately described and there are no recognisable measures or penalties for any breaches. In many instances, no mitigation is offered or what little mitigation is referenced, is left to the draft Code of Construction Practice ("the CoCP"). The term, "reasonably practicable" has been used

frequently throughout the CoCP but it is not clear who will decide what is “reasonably practicable”.

135. Your Petitioners are concerned that the proposed Code of Construction Practice (“CoCP”) remains in a draft form which is neither acceptable in principle, nor in its presumptions, proposals and extent of detail.
136. The CoCP must be finalised prior to enactment of the Bill so that a proper assessment can be made as to the impacts and the acceptance of the standards to be adopted, and it must be flexible so that agreed changes can be made at a later date to suit local circumstances.
137. Your Petitioners are concerned that the special qualities of the Chilterns AONB have not been taken account of in the CoCP and request your honourable House to require the Promoters to prepare a supplementary CoCP specifically designed for work in the AONB. Such a supplementary CoCP should be subject to full consultation with all relevant bodies, including your Petitioners.

**Clause 47: Acquisition outside limits**

138. Your Petitioners have specific concerns about clause 47 of the Bill. It provides the Secretary of State with power to acquire land compulsorily if he considers that the construction or operation of Phase One of High Speed 2 gives rise to the opportunity for regeneration or development of any land. Your Petitioners are particularly concerned about this clause because land which is in the AONB lies in close proximity to the railway. Your Petitioners do not understand why this clause is required at all and believe that it should be removed from the Bill. There are already adequate powers of compulsory acquisition in other legislation, notably the Town and Country Planning Act 1990, to enable compulsory purchase powers to be exercised by local authorities.

**Land: Extent of land take generally**

139. Your Petitioners are concerned about excessive land-take and the impact of this on agriculture and other businesses. Land taken during construction and not required afterwards should be returned to the landowner and back to its original use, or if the landowner does not require it, it should be put to community benefit, where

practicable. A full length bored tunnel through the Chilterns AONB would relieve most of your Petitioner's concerns on this subject.

## **Design**

140. There is little apparent commitment to achieving high standards of aesthetic design in relation to the permanent works. HS2 is meant to be a project of national significance and its design should reflect this. The design of major bridges, viaducts, tunnel portals including portal buildings, ventilation and escape shafts, auto-transformer stations, gantries and other infrastructure should be subject to design competitions. The requirement for local planning authorities to approve certain matters may not allow for any genuine dialogue over design quality and locally distinctive design.

## **Ventilation and escape shafts**

141. It is proposed that there will be ventilation and escape shafts at Chalfont St Giles, Amersham and Little Missenden in your Petitioners' area. Your Petitioners fully accept that an underground railway requires ventilation and escape shafts. However, the proposals for such shafts need to be subject to design competitions and need to be considered carefully in consultation with your Petitioners and in particular your Petitioners should, in their respectful submission, be entitled to prescribe requirements and offer advice to the design panel as to the design and appearance of the shafts, their precise location and relationship to existing buildings, etc. and the extent to which noise and vibration from the shafts should be reduced to an acceptable level.

142. In particular, all such shafts must be subject to a fixed upwards vertical limit of deviation and must not be able to be constructed under the powers of clause 2 of the Bill. Given that the vent shafts are located in very different parts of the AONB, it is important for the specific impact of the proposal to be considered in that local context and not just a route-wide standard. Your Petitioners would therefore expect: exceptional design standards to be sought through design competitions; visually sympathetic signage and security measures; use of local sustainable materials and the smallest footprint possible. Consideration should be given to lowering the line so that the shaft structures can also be lowered in height as far as possible. The same principles should apply to any auto-transformer sites.

143. Other concerns relating to the ventilation shafts are as follows:

- Surrounding roads will be impacted for a significant number of years during the construction of the shafts, which would result in significant increased traffic flows elsewhere. At Little Missenden, your Petitioners seek an undertaking that the A413 will not be closed even temporarily during the construction period;
- Given the sensitive nature of the areas in which the shafts are to be located, your Petitioners wish to ensure that the proposed above ground structure causes minimal visual impact;
- Your Petitioners seek assurances that the number of trees lost will be kept to a minimum and any that are lost should be replaced, and
- The Nominated Undertaker should have regard to the operational noise levels of the ventilation shafts in order to reduce any negative impact on the community.

#### **Air quality and dust**

144. Your Petitioners are concerned about the wider impact of construction related activities on the public realm, for example the impact that dust generated from worksites would have on properties in the vicinity. Property maintenance would need to be carried out on a more regular basis. Your Petitioners submit that the cost of this should be borne by the Promoter. This is particularly important for listed buildings and other buildings in conservation areas.

145. Your Petitioners submit that all worksites should be screened to reduce the visual impact of the sites upon the residents and businesses within your Petitioners' area, as well as to help reduce the impact of noise and dust from the worksites. Your Petitioners request that they should be consulted upon the design and structure of the planned screens for each worksite within its area so as to ensure, as far as possible, that the screens are effective and do not impact upon the local amenity. Particular consideration should be given to crop loss and livestock affected by dust and appropriate mitigation provided.

146. Effective mitigation measures against noise, dust, dirt and light pollution should be provided for residential and other sensitive premises located in the vicinity.

### **Impact on rail services**

147. Your Petitioners have a purpose of increasing the understanding and enjoyment by the public of the special qualities of the AONB and in so doing encouragement is given to people to travel to the area by sustainable modes of transport (including rail). Your Petitioners submit that the project will have a detrimental impact on rail services in the AONB, particularly those services offered by Chiltern Railways, which would result in decreased use of rail services and increased use of the car. Your Petitioners would ask your honourable House to ensure that there is no disruption to the services operated by Chiltern Railways.

### **Community and Environmental Fund**

148. Your Petitioners are concerned about the significant detrimental environmental and social effects on local communities that would arise as a result of HS2 and which are not covered by the scheme's proposed mitigation measures within your Petitioner's area. The construction and operation of HS2 will:

- cause the permanent loss of ancient woodland, cultural assets, agricultural land and buildings, community features and facilities;
- detrimentally affect amenity;
- cause significant disturbance;
- have negative impacts on the health and well-being of local people, and
- cause inconvenience to local communities and visitors during construction.

149. Without mitigation, these impacts will damage businesses dependent on visitors and will lower the quality of life of residents due to the construction of the project and unsympathetic treatment of the landscape in the nationally significant AONB.

150. Your Petitioners consider that the Promoter of the Bill should be required to establish a community and environment fund which should be made available, on an ongoing basis, to communities in the area affected. In the same way as the Government intends to make available for communities affected by fracking, wind and solar farms, such a fund would recognise that communities along the route of HS2 will gain nothing whilst suffering loss, disturbance and inconvenience during the long construction period and operation of the new rail line. The community and environment fund would ensure the communities in the AONB receive fair and

reasonable benefits in recognition of the burden of hosting nationally significant transport infrastructure, and would seek to offset the social, economic and environmental costs that will be caused to the inhabitants most affected.

151. Your Petitioners consider that the Promoter of the Bill should be required to consult your Petitioners on the operation (including calculation) of the fund and should take their views into account properly before the community environment fund comes into effect. There is recent precedent for the establishment of such funds in respect of other major infrastructure projects. For example - the Hinkley Point nuclear power station; the National Grid Pipeline Community Fund in the Cotswolds; onshore wind farms community benefits funds (which typically include a fixed operator payment and an amount per MW installed); and community compensation proposals for fracking, which include up to a 1% share of long-term operational revenues. Once in place the community environment fund should be controlled and managed locally. Your Petitioners consider themselves to be well-placed to be able to contribute to the management of the fund.

#### **General**

152. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, 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 amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

SHARPE PRITCHARD LLP

Agents for The Chilterns  
Conservation Board

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

THE CHILTERNNS CONSERVATION BOARD

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AGAINST,

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