

The Lee Parish Council and Petitioners – 15th November 2016

Requests to the House of Lords HS2 Bill Select Committee

Hunts green spoil heap

ASK 1: HS2 Ltd:

- a) To re-assess the phasing of construction work in the area to eliminate the need for temporary spoil placement at Hunts Green
- b) Remove the areas marked C and H altogether from the scheme ... and not include it as *'land available to contractors'*
- c) To the extent that they need land in addition to areas E, F and G, HS2 Ltd will obtain planning permission to use areas A, B and I.

Construction traffic impacts

ASK 2: HS2 Ltd gives specific undertakings:

- a) Absolute ban on all types of HS2 traffic on non-construction routes – *see draft assurance*
- b) Completion of sensitive junction work and agreements with the County Council before Royal Assent
- c) Independent monitoring and enforcement of traffic flows (and funding to do it – e.g. VNPR cameras on lanes)
- d) Remedial action to be taken in the event that predicted traffic levels / delays are exceeded.

The Wendover Dean Viaduct

ASK 3: HS2 Ltd gives undertaking to install

VISUAL

- a) 'Best-in-class' designed viaducts
- b) Extensive landscaping
- c) 'Best-in-class' designed AONB catenaries & gantries

NOISE

- d) Noise absorbing barriers on both sides on the viaduct and approach embankments

Protecting the local AONB

ASK 4: HS2 Ltd gives undertakings in respect of:

- a) No increase in vertical height of line in AONB (+3m)
- b) Recognition of AONB tranquil areas – lower noise thresholds and, if necessary, slower trains through the AONB
- c) Independent monitoring of actual noise (and funding to do it) and remedial action to be taken in the event that predicted noise levels are exceeded or they significantly disturb the tranquillity of the Parish.
- d) More limited derogation permitted in the CoCP (e.g. hrs of working)
- e) £3m for the whole AONB Design Panel is simply not enough...
"More can and should be done under Section 85 (CROW Act)."

SUPPORT FOR OTHER ASKS...

The 'need-to-sell' scheme

HS2 Ltd required to remove Criteria # 5 from NTS Scheme – certainly in an AONB; arguably in all rural areas,

Community impacts

The Secretary of State be asked to

- a) Further increase the funding available for Community Schemes in affected areas.
- b) Bring forward as a matter of urgency the provision of fast Broadband in rural areas affected by the building of HS2.

Further tunnelling in the AONB

That the case for a long tunnel through the AONB be re-evaluated as requested by the statutory bodies and 40% of all petitioners to the House of Lords.

113. MR BRIGGS: Exactly. We have suggested that as a potential alternative. Our preference would be to keep everything, if we could, to the west of the trace rather than anything to the east. That is the whole principle because that is the most important part of our farm. Once the construction is built it will be far more difficult to get across the trace with the large agricultural machineries in the homestead. We are trying to be flexible and come up with ways of dealing with it, but certainly if the area between A and B could be used, we would be much more comfortable with that. I think that is all I have to say on it unless I've missed anything.

114. CHAIR: Mr Mould?

115. MR MOULD QC (DfT): There might appear to be a logic in putting it all to the west but that logic would leave the lands to the east with an unmitigated railway. So, for example, Mr Brown or future occupiers of his farmhouse would find that the noise from the railway was considerably greater than it would be because areas F and E are required permanently in order to provide landscape bunding and noise bunding by way of mitigation, so their use for temporary purposes is anticipation of the bunding works that are required. I can show you that on P15650 where you can see the extent of permanent earthworks that are proposed in order to mitigate this railway. Bear in mind that this is an area where you have been told by many, many petitioners that the visual landscape and oral impacts of the operational railway are a source of concern because we are running through the area of outstanding natural beauty. So, this bunding here corresponds, broadly speaking, to those areas.

116. SIR PETER BOTTOMLEY: That is the reverse of the argument we heard yesterday.

117. MR MOULD QC (DfT): Can you remind me of the argument we had yesterday?

118. SIR PETER BOTTOMLEY: We had the Oxford Canal and we were told there was not much point in providing noise mitigation because there weren't many people there and if they were they were walking and would be out of the area within 20 minutes.

119. MR MOULD QC (DfT): I have just made a landscape argument as well as a noise argument but I don't think that one should overlook the importance. This is not an

area which is devoid of residents. Mr Brown's farmhouse will presumably continue to be used residentially and I think the Secretary of State, whether the current incumbent would like him to or not, feels that he has an obligation to take such reasonable steps as he can in order to try and mitigate the noise impact, but don't misunderstand me. My point is not about noise alone. It is about landscape and visual impact because we are in an area which is statutorily designated for its landscape and visual qualities and this mitigation is required for that.

120. So, it would be a retrograde step of considerable significance to assume away a permanent landscape earthwork at that point. It would mean that the railway which, in other areas, was properly and proportionately mitigated here would not be mitigated. I don't think that that is a result that the Committee would wish to see being the consequence of the outcome of this petition.

121. SIR PETER BOTTOMLEY: C and H aren't a problem?

122. MR MOULD QC (DfT): No, exactly. I can come back now to Mr Briggs's slide because I think that there is room for further work here. I just want the Committee to have a sense of keeping this in proportion because I think that Mr Briggs started off with a proportionate proposal but with respect to him I think he then moved away from what is proportionate into something that is disproportionate.

123. If we come back to his slide, what we are able to do is to pursue proposals. We believe that we can give certainty that we will not take areas C and H if planning permission can be secured for the use of areas B and A for temporary storage of materials. Area I is, as you have heard, Cottage Farm, where the Secretary of State has accepted a Need to Sell application. So, that area also is a candidate for use for temporary storage which would increase the storage that is available and might enable us to refine the areas closer into the eastern side of the trace. But, as I say, one has to proceed on the basis that there will need to be substantial permanent earthworks in areas E, F and G for the reasons that I have just given.

124. As I say, that is subject to planning permission. The reason why that is important is because these areas, B, A and I, and indeed the lands in between are areas that are highly visible from elsewhere within the valley and if one is contemplating layering, stepping up the slope so as to create a manageable, substantial earth storage and material

storage facilities there for a number of years, one needs to be realistic about the visual impact of that. One also needs to be realistic about the degree to which it may affect other environmental factors. Grim's Ditch was dismissed, but Grim's Ditch is a scheduled ancient monument and this project has been at pains to limit its impact on Grim's Ditch because of the significance of that statutory designation. One cannot simply dismiss a further impact on that monument as being of no moment. It is something which this House has said is of moment; hence its decision during Victorian times to pass the initial Ancient Monuments Act. So, I think one needs again to be a bit careful about being too dismissive of these potential impacts.

125. That said it may well be that planning application made to the local authority for the use of these lands for storage, if it is put on the basis that firstly the project has a need for storage and secondly use of these lands, subject to appropriate environmental controls will obviate the need to take valuable and useful productive farmlands, that the planning authority will readily accede to that application and if it doesn't it may be that on an appeal against a decision not to accede to that the Secretary of State for Communities and Local Government will see the matter differently and will see that if it is a choice between visual and landscape impacts on a temporary basis from spoil storage to the west of the line and impacts of the scale that we have been told will occur to Mr Brown's farm from storage on areas C and H, that the balance should be struck in favour of the former rather than the latter.

126. So, there is merit in the proposal that from a planning point of view areas A, B and I should be used for the purpose that is being put forward. HS2 is willing, as I think has been said, to support that proposal and to do so on the basis that that would enable us to avoid the need to use areas C and H and it would provide some further prospect of reducing the area or the intensity of temporary use of the other areas to the east of the line, but because those areas are required permanently to mitigate the railway it will not enable us to avoid earthworks and landscaping works in those areas. They are needed in order to mitigate the railway.

127. So that, I think, is the true nature of the position here. Let us now proceed to formulate proposals to put to the local planning authority with a view to persuading them that it would be in the public interest to allow areas A, B and I to be used for temporary storage of materials and in that way to minimise as far as we reasonably can

the need to deposit materials on the lands to the east that are, as he said, the most valuable and productive areas of his farm, but let us do so on a realistic understanding that that will not result in us avoiding substantial permanent deposits of material in areas E, F and G because that is needed in order to provide permanent mitigation to this railway.

128. MR CLIFTON-BROWN: That is helpful, Mr Mould. Maybe it is my misunderstanding of the situation. If you were to use A, B and possibly I, why does that require planning permission? Is it not within the powers of this Bill?

129. MR MOULD QC (DfT): No, it is not within the powers of this Bill because they don't fall within Bill limits and therefore we don't have permission or authority to do anything on those lands. Clearly, in terms of land ownership there shouldn't be a problem because we will, in due course, come to own area I and, as I understand it, areas B and A are owned by the petitioners and they are willing to make them available, but we do need authority to carry out development on those lands which we would not have under the terms of the Bill because they fall outside the scope of the Bill limits and therefore those works wouldn't fall within the scope of the deemed planning permission under Clause 19.

130. It may also be that to contemplate their use for fairly prolonged, albeit temporary deposited materials at the sort of volumes that we are talking about would give rise to a change in the significant environmental effects of the project in this area which would require a supplementary environmental statement as well. None of those things is an insuperable obstacle to securing planning permission and I have illustrated where the essential balance of advantage would be struck. Certainly, I think the project's view is that it is realistic, for the reasons I have given, to anticipate a positive outcome to an application for planning permission. It's not a guarantee but it is realistic to anticipate a positive outcome, albeit it may be necessary, as I say, to go to appeal. But given that the local authorities in this area, including the local planning authority, which I think is the Chilterns and given that Chilterns' case in response to this Bill and before this Committee has been one of looking to minimise impacts upon agricultural holdings one would hope that from a planning point of view they would be receptive to a proposal put forward both by a landowner and a farmer and supported by this project to reorganise arrangements at this point on the railway so as to reduce further the impacts on just such

FAO Mr David Neal-Smith
Partner
Agribusiness
Bidwells

14 October 2016

By e-mail to: david.neal-smith@bidwells.co.uk

Dear Mr Neal-Smith,

**High Speed Rail (London – West Midlands) Bill – House of Lords
Petition No.319 – Mr Richard Stewart-Liberty**

I am the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (London – West Midlands) Bill ('the Bill'). I am writing to you on behalf of the Secretary of State for Transport to set out the assurance that the Secretary of State is willing to give in order to address concerns your client has regarding the impact of Phase One of HS2 (known as 'the Proposed Scheme').

In these assurances, the 'nominated undertaker' means the relevant nominated undertaker appointed under the Bill as enacted and, in the period prior to the Secretary of State appointing a nominated undertaker and imposing the requirements on it referred to in these assurances, HS2 Ltd:

"1.1 The Secretary of State will require the nominated undertaker to provide information and guidance to the landowner of Hunts Green Farm to submit a planning application to Chiltern District Council for planning consent to use the area of land marked 'A' and to Aylesbury Vale District Council for planning consent to use the area of land marked 'B' on Appendix 1 for temporary material storage including paying fees of up to £5,000 for each application and the cost of any other necessary consents.

1.2 Subject to:

- i) achieving planning and all other relevant consents by June 2018;
- ii) the combined capacity of areas 'A' and 'B' being at least 270,000 cubic metres to use for temporary HS2 material storage;
- iii) the landowner granting rights of access to and use of the land; and
- iv) there being no impact on the economic, timely and safe construction of the railway

the Secretary of State will require the nominated undertaker to avoid using the areas of land marked 'C' and 'H' for temporary material storage and will instead seek to use areas 'A' and 'B', as far as reasonably practicable.

1.3 Should the relevant conditions as set out in paragraph 1.2 not be achieved, the Secretary of State will require the nominated undertaker to liaise with the landowner in order to seek to reduce the construction impact on the areas of land marked 'C' and 'H' as far as reasonably practicable."

If accepted, these assurances will be included in the Register of Undertakings and Assurances which will be held by the Department for Transport. Further information on how the Secretary of State will ensure

compliance with assurances given by HS2 Ltd is set out in HS2 Information Paper B4, Compliance with Undertakings and Assurances. All HS2 Information Papers are available online, at www.hs2.org.uk.

I hope that you will consider these assurances to be satisfactory, and if you find them to be so, or if you require further assistance please contact Martin Wells, Area Petition Manager for Country South, by email at Martin.Wells@hs2.org.uk or by telephone on 020 7944 0601. Martin or an appropriate colleague will be able to discuss the assurances given in this letter further.

Yours sincerely



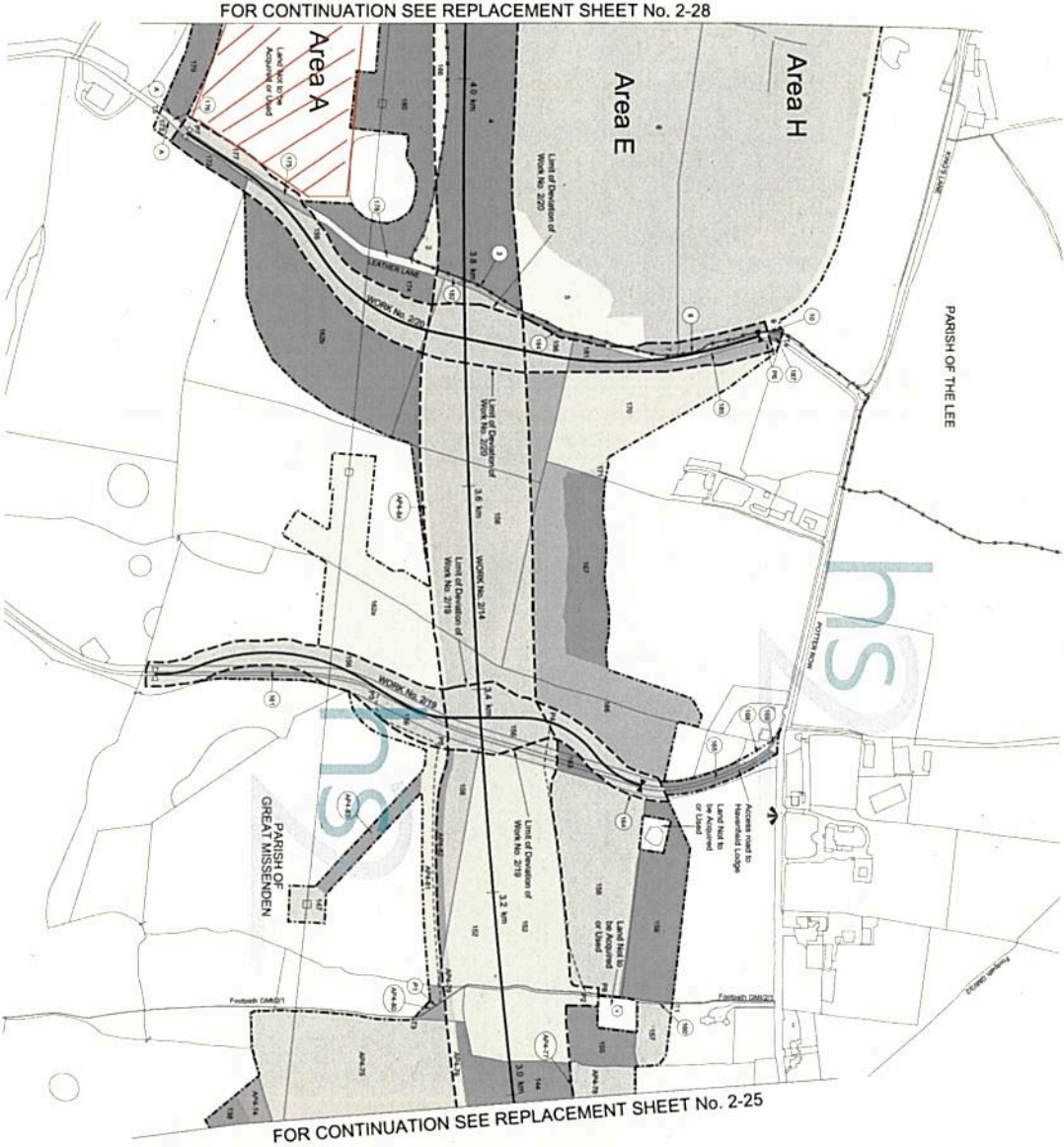
Roger Hargreaves

Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited



cc: Richard Stewart-Liberty - richard@watlingtonbusinesscentre.co.uk

COUNTY OF BUCKINGHAMSHIRE DISTRICT OF CHILTERN PLAN



FOR CONTINUATION SEE REPLACEMENT SHEET No. 2-28

FOR CONTINUATION SEE REPLACEMENT SHEET No. 2-25

Scale 1:2500 at A1 size, 1:5000 at A3 size
metres 100 0 100 200 300

REPLACEMENT SHEET No. 2-27
IN PARLIAMENT - SESSION 2015-16
HIGH SPEED RAIL
(LONDON - WEST MIDLANDS)
ADDITIONAL PROVISION
(OCTOBER 2015)
Work No. 2114 (Railway)
Work No. 2119 (Access Road)
Work No. 2205 (Roads)
For Section of Work No. 2114 (see Sheet No. 5-13)
For Section of Work No. 2119 (see Sheet No. 5-51)
See Sheet No. 5-51

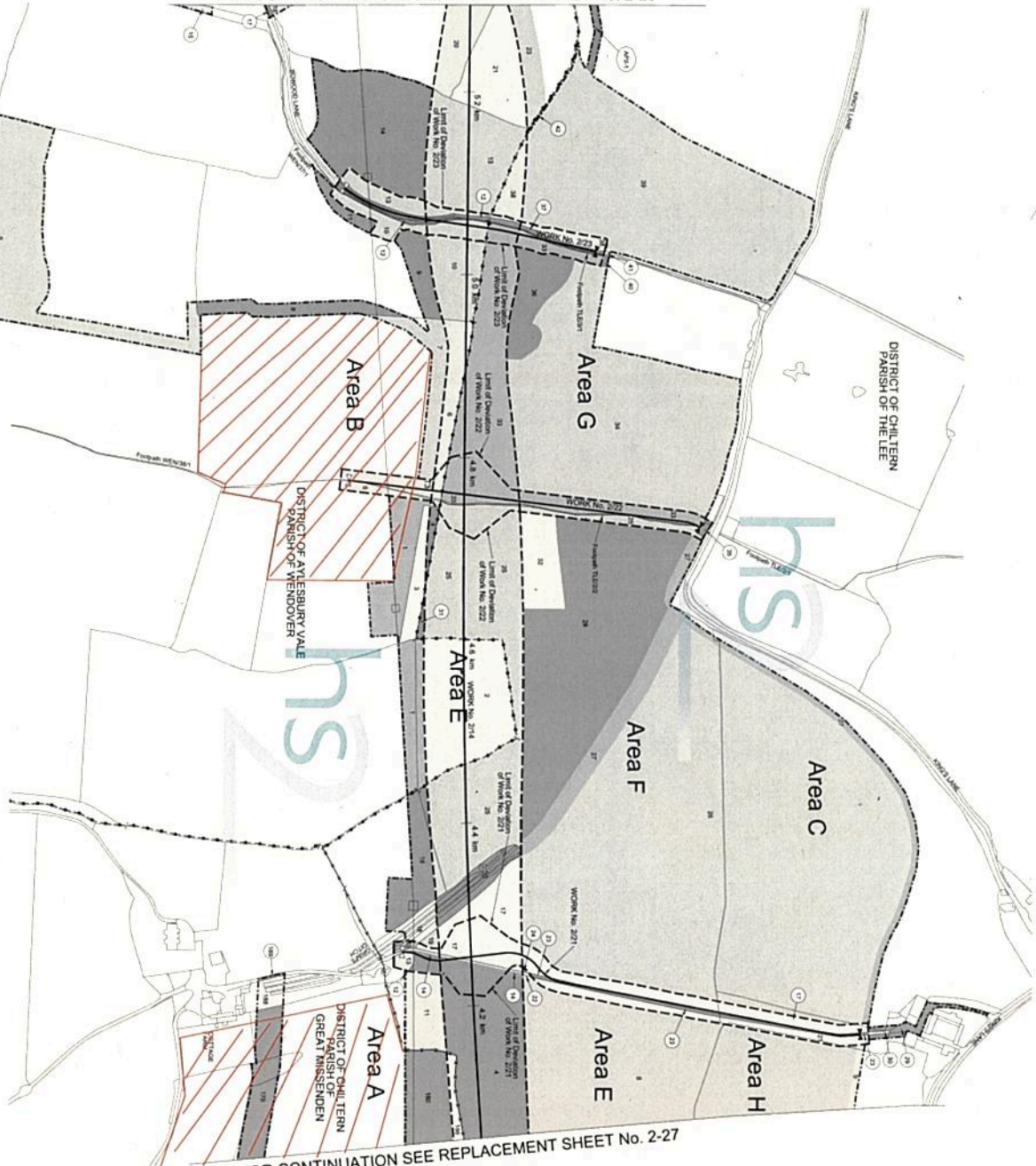
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AMENDMENTS TO THIS SHEET
ARE AS FOLLOWS:-
Pins A04.76, A04.75, A04.76, A04.77, A04.78,
A04.79, A04.80, A04.81, A04.82, A04.83 and
A04.84 added to the
Pins 162a and 162b added in the
Pins 141, 141, 145, 151, 153, 162 removed in the
Pins 1, 1, 2, 4 and 5 relocated

COUNTY OF BUCKINGHAMSHIRE PLAN



FOR CONTINUATION SEE REPLACEMENT SHEET No. 2-29



Scale 1:2500 at A1 size, 1:5000 at A3 size
metres 100 0 100 300

REPLACEMENT SHEET No. 2-28
IN PARLIAMENT - SESSION 2015-16
HIGH SPEED RAIL
(LONDON - WEST MIDLANDS)
ADDITIONAL PROVISION
Work No. 214 (Railway)
Work No. 221, 222 (Access Roads)
Work No. 223 (Roads)
For Section of Work No. 214 see Sheet No. 5-13
For Section of Work No. 221, 222, 223
see Sheet No. 2-21, 222, 223

AMENDMENTS TO THIS SHEET
ARE AS FOLLOWS:-
Pat AP2-1 added in Parish of The Lee

Drawing No.
C222-ATK-HY-DPL-020-207100-CB Rev CB

From: Helen Richman, HS2 Ltd

Sent: 19 October 2016 14:50

To: Laura Martin (BUCKSCC) <lmartin@buckscc.gov.uk>; Jackson, Basil <c-bjackson@buckscc.gov.uk>
Cc: Copcutt, Jackie <jcopcutt@buckscc.gov.uk>; Fitzpatrick, Thomas <tfitzpatrick@buckscc.gov.uk>; Stacey Capewell <stacey@markidesassociates.co.uk>; Susan Cross <susan.cross@hs2.org.uk>; Matt Hadlington <Matt.Hadlington@hs2.org.uk>

Subject: Safety Assessments etc. - Junction Assurances

Laura and Basil

I just wanted to let you know that Atkins are starting work for us commencing next week on looking at the various (House of Commons assurances on safety and capacity) junctions. The teams have been getting their HS2 Health and Safety stuff together.

Please let me know if you need more of an idea of where they will be and when for the purposes of managing this from your side.

Many thanks

Helen

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HS2 Ltd Assurances & Undertakings Chilterns AONB (north) construction traffic and travel plans

In recognising the concern of the communities living in the vicinities of the proposed northern portal of the Chilterns tunnel, the Hunts Green temporary spoil storage area, the construction sites for the Chilterns AONB viaducts, bridges and embankments and other worksites in the vicinity of the A413 corridor through the Chilterns AONB, with regard to the potential impacts of construction and workforce traffic in an AONB area, in addition to general provisions, assurances and undertakings regarding traffic management, the Secretary of State will require that the nominated undertaker and relevant contractors:

- produce an area specific vehicle routing and travel plan, final local vehicle routing and travel plan and monitoring reports in accordance with 6.4.1 of the HS2 Phase 1 Route-wide Traffic Management Plan (dated 1 May 2016).
- the area specific interim and final plans will have the aim of restricting all HS2 related traffic from using anything other than the approved construction routes (as defined in Schedule 17 of the HS2 phase 1 Bill) and also encouraging the use of sustainable modes of transport to reduce the impact of workforce travel on local residents and businesses.
- the relevant local Traffic Liaison Group meeting (or relevant travel planning meetings, if established) will be engaged on the development of the interim and final plans and monitoring reports.
- the area specific interim and final plans will include measures so as to prohibit all HS2-related traffic from using Rocky Lane (east of the trace), Leather Lane, Kings Lane (The Lee), Potter Row, Frith Hill (except for access to the ventilation shaft on the B485) and Frith Hill - South Heath leg (except for operational access to the portal)
- the area specific interim and final plans will include measures so as to reduce single occupancy private car trips, including providing alternative transport options for access to the relevant worksites, where reasonably practicable and that the relevant worksites will be provided with information, through site specific induction, or other means, of routes in the local area which are not suitable for worker car traffic.
- should such alternative transport options be provided through minibus travel from pick up points, the provision of such services will be subject to the approval of the relevant highway authority for provision of bus pick up and drop off points.
- workforce traffic will be informed to use approved lorry routes, approved in accordance with Schedule 17 of the HS2 phase 1 Bill. Proposals for additional signage will be included within the interim and full traffic and travel plans and submitted in accordance with Schedule 4 of the HS2 phase 1 Bill.