

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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

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

THE HUMBLE PETITION of Abbeyfield Great Missenden & District Society Ltd, a registered charity.

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
- 2 ~~The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, The Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.~~
- 3 Clauses 1 to 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 ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.

Your Petitioner

- 7 Your petitioner is Abbeyfield Great Missenden & District Society Ltd, a registered charity (Registered Charity Number: 268880, Company Number: 1182568, Housing Corporation Number: HO5530), formed in 1976, which provides sheltered housing for sixteen older people who want to be as independent and self-reliant as possible with company and support. The charity is located and owns the premises at Link Road, Great Missenden, Buckinghamshire, HP16 9AE, where it has been operating since its formation over thirty-five years ago, and which is close to the proposed construction site. The charity, its residents, their families and sponsors, and its employees and volunteers will be specially and directly affected by the current plans due to the proximity of construction and operation of HS2, the plans to block the roads to permit construction of HS2 and the amount of construction traffic HS2 Ltd have indicated will travel on local roads.
- 8 Your Petitioner, Abbeyfield Great Missenden & District Society Ltd, is injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

Changes in Route Alignment

- 9 Your petitioner is concerned about the serious and injurious effect of the currently intended proposals for HS2 in the area between Mantles Wood and Wendover. Your petitioner notes with concern that the current proposed route alignment, in this area, which is a design on the surface and includes sections in shallow cuttings, on two viaducts, on embankments and in two green tunnels. This area is designated as an Area of Outstanding Natural Beauty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) and is further protected under the National Planning Policy Framework and the European Landscape Convention. Your petitioner notes that the Chilterns AONB is the only AONB on the entire proposed route of Stage 1 or Stage 2 of HS2.
- 10 Your Petitioner contends that the current proposals will be extremely disruptive to your petitioners' activities, as well as having needlessly adverse environmental consequences. Your petitioner considers that it will be extremely difficult to operate its activities in its present form for the nine-year period which construction is planned to occur in the area. In particular it will be difficult to for employees, volunteers, residents and their families/sponsors to travel to the premises and on the charity's activities via road given the extent of the area proposed by HS2 Ltd

for construction purposes, as well as making it difficult for visitors to your petitioners and the residents to access premises. This will particularly, but not solely, be the case for families, visitors, staff and visitors coming from locations on the opposite side of the proposed line from South Heath and Chesham and beyond. There are serious concerns about the difficulties and time delays for staff and families/sponsors to attend residents at times of need and of the ability for ambulances and medical and paramedical staff to attend residents and to be able to reach hospital in good time, when required. Your petitioner is further concerned that the noise and dust impacts of constructing and operating HS2 will have a significantly adverse impact on its residents, volunteers and staff.

- 11 Your petitioner further notes that it has been estimated that the landscape value of this area is of the order of £500 million to £750 million.
- 12 Your petitioner requests that measures be taken and changes be made in the Bill or the Code of Construction Practice or by obtaining binding undertakings from the Promoter to address the various concerns of your Petitioner as listed above
- 13 Your Petitioner requests that AONB be protected from the effects of this grave planning error by amending the Bill to require the construction of a tunnel through the whole of the AONB section of the proposed line, such as by extending the present tunnel proposals by adopting the CRAG T2 proposals, with possible variations. These proposals have been referred to in the Environmental Statement and which has been accepted by DfT and HS2 Ltd, in that Statement, as both feasible and environmentally preferable to ensure that the line passes through the whole of the AONB in a bored tunnel. This would substantially remove the adverse effects complained of in the remainder of this petition and the need for the proposed remedies otherwise required.
- 14 Your petitioner requests that, if the proposal for a full tunnel throughout the AONB is rejected, then the following mitigation measures should be adopted and implemented:
 - a. That the South Heath Chilterns Tunnel Extension (referred to as the REPA tunnel in Vol 2 2.6.18 CFA 9) be adopted, particularly as this also has acknowledged environmental benefits
 - b. That, if that is not accepted, then the line along this section of the line is housed within deeper cuttings to the levels originally proposed by the 2011 consultation with sound barriers and bunds where appropriate to seek to reduce noise and to conceal the line and the gantries and that the power for the contractor to raise the line by up to 3 metres is excluded for the AONB section of the line
 - c. That the existing proposed green tunnel at Wendover be extended to the south and north of Wendover.
 - d. That provision is made for constructing bridges where there are established rights of way, including making these Green Bridges, bearing in mind not only the need to retain trees and shrubs but for wild life access, particularly given that this is part of the AONB
- 15 Your petitioner submits that the tunnel proposals referred to above would substantially remove the adverse effects complained of in the remainder of this petition and the need for the proposed remedies otherwise required. Your

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

Construction traffic

- 16 Your petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures. Such impacts could have a highly adverse impact upon your petitioner's charitable activities and the care and support its staff and the speed with which medical, paramedical ambulance and hospital teams can provide assistance at times of need. Your petitioner further submits that the roads in the area around Great Missenden are not suitable for intensive use by Heavy Goods Vehicles.
- 17 Your Petitioners are also concerned that traffic seeking to avoid congestion during the construction period will place a further burden on the roads in this community, which are already under pressure.
- 18 Your Petitioner therefore requests that construction traffic be prohibited from using all roads except the A413 and A416 and use of these roads be agreed with the appropriate highways authority through a binding traffic management plan.

Noise during construction and train operation

- 19 Your Petitioner is concerned about the effects of noise arising from the construction of the high speed railway and associated development including heavy lorry traffic.
- 20 Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise which will adversely affect your petitioners premises.
- 21 Your Petitioners request that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the properties and there are no other adverse effects. This should include suitable sound barriers which ensure compliance with World Health Organisation's ('WHO') acceptable peak sound levels, particularly along the open and raised sections of the line, including viaducts and embankments.
- 22 Your Petitioner requests that there should be binding mitigation measures, including an effective noise mitigation and monitoring system, in place before commencement and during construction and operation of the high speed railway and associated development.
- 23 The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled "HS2 and the Environment thirteenth Report of Session 2013-2014" dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise

insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.

- 24 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 25 Your Petitioner therefore requests that Clause 35 and schedule 25 are deleted from the Bill.

Vibration during construction and train operation

- 26 Your Petitioner is concerned about the effects of vibration arising from the construction of the high speed railway and associated development including heavy construction traffic. Vibration may severely impact upon the use and enjoyment of your Petitioner's premises as well as on the neighbourhood's general amenity.
- 27 Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques and the highest level standards of in the construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in the properties including design adjustments to the ballast and track design to minimise potential for vibration. Your petitioner notes with concern that HS2 Ltd have not, so far, released details of the model used to predict groundborne noise and would urge that these be published and subject to independent peer review before being used as a basis for forecasts in this area.

Dust and dirt during construction and train operation

- 28 Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on your Petitioner's premises.
- 29 Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.
- 30 Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.
- 31 Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the guidance on the "*Planning for Mineral Extraction in Plan Making and the Application Process*" issued on 6 March 2014.
- 32 Your Petitioner requests that there is a requirement to carry out additional mitigation if dust becomes a nuisance to the properties and the neighbourhood.

Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement for additional expense caused by dust and dirt.

Air Quality

- 33 Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development. This is a serious concern for the elderly, who are very likely to have or to be prone to respiratory conditions. It is even more worrying when the effects of dust and dirt are mixed with diesel emissions, all of which will be raised significantly by the construction of the line, the increase in traffic and heavy traffic especially, and the prospect of spoil being left in the vicinity for very many years during and after construction of the proposed line. Your petitioner is particularly concerned, therefore, about the air quality impacts of the Sustainable Placement Area at Hunts Green Farm and transition spoil sites around Great Missenden and South Heath.
- 34 Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority and plan drafted to ensure ongoing compliance with minimum standards for air quality, subject to oversight and enforcement by Chiltern District Council.

Code of Construction Practice

- 35 Your Petitioner is concerned that the nominated undertaker's ongoing accountability to is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective. However, the Code of Construction Practice has no legal status.
- 36 Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts.
- 37 The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with Chiltern District Council. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice

Finance for monitoring

- 38 Your petitioner is concerned that there is no measurable independent method of monitoring compliance by the contractors and other bodies in connection with the above concerns relating to noise, vibration, dust, traffic emissions and other construction matters.
- 39 Your Petitioner requests that Chiltern District Council should be provided with funding to undertake this responsibility and generally for compliance and enforcement for the monitoring of all the foregoing matters and be entitled to bring matters before Parliament where incidents of serious or repeated non-compliance occur.

Spoil and sustainable placement at Hunts Green

- 40 Your Petitioners are concerned that the proposals for a Sustainable Placement Area will be highly damaging to the local area including your petitioners' premises. Your petitioners are concerned that these impacts could undermine its legal obligations under work place health legislation. They are especially concerned for the health and welfare of the elderly residents, who are the focus of their activities, and of other elderly people in the community and visitors. It is a serious issue of concern that there was especially scant attention paid in the Environmental Statement put forward by HS2 on assessment impact to health and well-being caused by this project. It is to be hoped that a health impact assessment should be carried out and the results published imminently.
- 41 Your petitioner submits that the proposed location for millions of tons of excavated spoil in the centre of an Area of Outstanding Natural Beauty is wholly inappropriate and is not even necessary to construct the high speed line. A tunnel solution would remove the need for this Sustainable Placement Area. Your petitioner submits that consideration of the use of spoil in other locations for the restoration of quarries with inert waste has not been properly considered by HS2 Ltd, even though it is subject to a legal duty to consider such options.
- 42 Your Petitioner accordingly requests that the plans for the Hunts Green Spoil Dump are removed and that HS2 Ltd be required to come up with an effective waste disposal strategy which reflects relevant legislative requirements.
- 43 Your Petitioner also points out that, if the tunnel proposals highlighted are adopted, then the amount of spoil involved for this section of the line will be substantially reduced.
- 44 The list of grievances above is by no means exhaustive and, due to the inadequacy of the Environmental Statement prepared by HS2, it is inevitable that that the construction of HS2 will disrupt the your Petitioner in ways which have not yet been considered.
- 45 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.

46 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

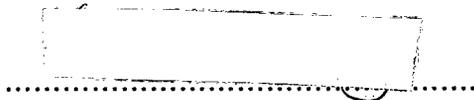
YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights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

AND your Petitioner will ever pray, &c.



Signature of petitioner/agent/member/officer.....

Acting Chairman, Board of Trustees



Trustee

IN PARLIAMENT
HOUSE OF COMMONS
SESSION [2013-2014-15] (as before)

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITIONER IN PERSON