

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 Mr. BARRY JOHN BARRETT-MOLD

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.
7. Your Petitioner lives at Robertswood Cottage, Kings Ash, Buckinghamshire HP16 9NP ("your petitioners home"). Mr. Barry John Barrett-Mold is the joint freehold owner of your Petitioners home with his wife Dr. Heather Anne Barrett-Mold.
8. Your Petitioner's rights, interests and property are injuriously affected by the Bill to which your Petitioner strongly objects for reasons, amongst others, hereinafter appearing. Your Petitioner will look to the Promoters for full compensation for all injuries should the Bill pass in its present form.

### Concerns

9. Your Petitioner's home is situated 500 metres from the centre of the track, and much closer to the perimeter, particularly as the track and environs are significantly wider at this point to provide a stone catchment area. There are no buildings between the Petitioners' home and the track. (Source HS2 Maps CT-10-019). The land directly in front of your Petitioner's property falls away to the valley floor and is parallel to the line of the track; noise from the valley floor is funneled directly up to your Petitioner's home.
10. Your Petitioner uses Rocky Lane, Chesham Lane, Kings Lane, Leather Lane, Hunts Green Lane, Potter Row, Frith Hill – South Leg, the B485 and the A413 together with the Chiltern Railways service from Great Missenden for access to employment, voluntary work for national bodies, and access to the local services, shops and health services, as well as gaining access to destinations beyond via the A413. Regular closure of these roads and their use by construction vehicles during the period of construction of the works authorised by the Bill will result in your petitioner being isolated from these services, and in delays which will increase the time and cost taken for your Petitioner to access them.
11. Your Petitioner is a regular user of Kings Lane and Rocky lane and the network of footpaths in the area for recreational purposes. The proposed works will lead to your Petitioner suffering from a loss of recreational facility, together with the detrimental affects of visual, noise and light pollution both from the construction and operation of HS2.
12. Your Petitioner has lived in the Chilterns Area of Outstanding Beauty (AONB) for over 40 years and was attracted to the area by the fine landscapes, and characteristic flora and fauna of the area. During this time your Petitioner has worked as a volunteer with local groups to help

conserve this unique landscape and valuable natural resource, which is protected under the National Planning Policy Framework and the European Landscape Convention.

13. Your Petitioner has taken considerable care and additional expense, to ensure that when work has been undertaken on his home that alterations are in line with the additional planning conditions and building regulations in place to maintain the unique character of the area.
14. Your Petitioner cannot therefore understand on what basis the Department for Transport and the Promoter of the Bill considers that it has the right to ignore the statutory and other obligations that protect the AONB or considers that the proposed surface route of the line for this area meets the requirements to protect and preserve the tranquility of the area and the beauty of its landscapes. Obligations which your Petitioner readily accepted when planning alterations to his home.
15. Your Petitioner are gravely concerned about the woeful inadequacy of measures proposed to mitigate the effects, both during the construction and operation phases of HS2. In particular your Petitioner believes the Environment Statement deposited with the bill fails to recognise the health benefits for both residents and visitors to the area, and grossly underestimates the volume of construction traffic and numbers of lorry movements placing intolerable burdens on the roads in this community.
16. Your Petitioner is concerned about the effects of noise and vibration, and dust, dirt and air quality and the severe disruption to traffic arising from the construction of the high speed railway and associated other works and that the operation of the high speed railway will give rise to noise and vibration in this tranquil area of the AONB. Noise would severely impact upon the use and enjoyment of your Petitioner's home, which looks direct down on to the large and high viaduct at Durham's Farm. The episodic nature of this noise has been shown to adverse health effects for those exposed to it.
17. Your Petitioner is gravely concerned about the spoil being excavated and the arrangements for removal and storage of the spoil within the AONB and particularly objects to the proposed spoil heap at Hunts Green. Such large quantities, current estimates state this at 8 million tonnes will alter the topography and geology, which is different between the valley floor and the hilltops. This will have a significant environmental impact again not included in HS2's Environmental Statement. The justification that dumping spoil at Hunts Green will reduce lorry movements is insufficient justification for an unacceptable abuse of an AONB.
18. Your Petitioner is concerned about the light pollution, not only during the construction phase but also during its operation. Currently this area has no street lighting and the night sky is highly valued by residents and visitors alike.

19. Your Petitioner is concerned that the emergency services will be unable to provide timely support due to road congestion, closures and diversions during the construction period
20. Your Petitioner is gravely concerned that the building of the line coupled with the existing electricity pylons alongside the line will create an unacceptable visual impact along the AONB section of the line from Mantles Wood to Wendover.
21. Your Petitioner is concerned about the impact of the construction works on the chalk stream of the River Misbourne and the damage to the quality of drinking water supply by the construction works. Chalk streams are rare in the world and most are located in the South of England.
22. Your Petitioner is concerned that Ancient woodlands in the area will be destroyed, environments that have taken centuries to develop cannot be replaced by planting replacement trees. (It's the environment that's ancient as well as the tree heritage)
23. Your Petitioner is concerned that land which is occupied and utilised by contractors during construction will not be cleared and restored after completion to a satisfactory standard for the AONB or in the worst case that it will simply be abandoned by the contractors
24. Your Petitioner strongly objects to the diversions and closure of established public rights of way in the area which should all be retained and cross the line directly by footbridges and further that for, this section of the AONB, none of these bridges are to be Green Bridges despite the intentions of the Promoters to build green bridges elsewhere along the route. These lanes and footpaths are ancient, many from Anglo Saxon Times and to change them ignores our history and heritage.

## **Remedies**

25. 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 and remedy the various concerns of your Petitioner as listed above in the most appropriate manner.
26. Your Petitioner requests the Select Committee instructs the Promoter of the Bill to remedy the deficiencies in the Environmental Statement to more accurately assess the impact, of both construction and operation phases of HS2, on local communities, landscape character, tranquillity, ecology, geology, heritage and the local economy.
27. Your Petitioner requests the Select Committee give such instructions

and secure such undertakings from the Promoter or changes in the Bill to ensure the fullest possible protection of this part of the AONB, both during and after construction, this being a special requirement exclusive to this area as no other part of the line is within the AONB or has the statutory protection afforded to the AONB

28. Your Petitioner particularly requests that the 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 adopting the tunnel proposals submitted by Chiltern District Council and the Chilterns Conservation Board or, if this is not acceptable, by extending the present tunnel proposals. These latter 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 and would 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.

29. Alternatively your Petitioner requests the Select Committee to give instructions to the Promoter of the Bill to reconsider the proposal of a route running through an AONB which currently does not follow natural contours or other major traffic routes through the Chilterns.

30. 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), or a possible further extension of the same, 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 be 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 is 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
- e. That the speed of the trains be reduced as per the recommendation of the House of Commons Environmental Audit Select Committee Report, in order to help reduce the environmental impact and sufficient to ensure compliance with noise mitigation.

- f. That the Wendover Dean and Small Dean viaducts and adjacent embankments be of high quality infrastructure to be made as visually pleasing as possible, with enclosures where possible and with the maximum use of noise barriers on both sides, including boxing in if necessary.
- g. That the maximum amount of planting, of trees characteristic to the area, be used at the earliest opportunity and with the use of mature trees able to grow to at least forty feet high, in order to conceal the line from view at the earliest possible time.
- h. That the plans for the Hunts Green Spoil Dump is cancelled and that arrangements is made for the spoil to be removed from the area by rail or pipeline. Your Petitioners points out that, if the full tunnel proposals is adopted, then the amount of spoil involved for this section of the line will be substantially reduced and it would also all be removed at the Wendover exit of the tunnel,
- i. That in relation to the balancing ponds, alternative sustainable urban drainage system techniques is considered in consultation with the local authority and that any ponds should not be artificially lined
- j. That in relation to the River Misbourne, and water supply, full surveys and continuing monitoring should be undertaken regarding water quality and the effect of the construction works, with actions undertaken, including cessation of construction in this area, if any adverse impact is found
- k. That the pylons along this section of the line is removed and the power lines is reinstated underground.
- l. That any lighting is sparse and down focussed

31. Your Petitioner further requests that the nominated undertaker be required to mitigate the remaining nuisances, by giving the Code of Construction Practice legal effect with independent assessment of compliance and sanctions for breach and that the Code should specify, in all cases, the need for work, facilities and construction to be to the best available standards and techniques and to the highest standard of construction and operation of the railway and its associated developments and, in particular, that the Code or requirements in the Bill be so amended to enforce the following measures:-

- a. Restricting HGV movements to the period 09:30 – 15:30 throughout this section of the AONB.
- b. Additionally prohibiting HGV movements along school routes between 08.00 and 09.00 and between 15:00 and 15:30 during school terms.
- c. Prohibiting any widening or enlargement or straightening of the narrow minor lanes
- d. Constructing new roads for the contractors and vehicles to access the trace directly from the A413, and prohibiting the use of all existing narrow minor roads in the AONB by construction traffic.
- e. During construction night time that necessitates the need for lighting is prohibited.

- f. That the Promoter and the contractors should be required to construct the railway to ensure that during construction and operation of the line noise, dust and vibration and light pollution is minimised to meet the highest standards applicable and controlled and that air quality is maintained
- g. Constructing such facilities as may be necessary to remove spoil from the AONB area, including by rail or by pipeline, to apply proper methods of dealing with spoil and avoiding the creation of the spoil dump at Hunts Green.
- h. That contractors in the AONB will be required to restore the land and temporary access roads after use to acceptable AONB landscaping and that local authorities be given the power to inspect such works and if necessary sanction contractors
- i. During construction, the nominated undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads must be returned to its original size and character, and all damage repaired by the nominated undertaker.
- j. That the Promoter provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.
- k. A hotline should be set up allowing residents to raise any issues of concern arising during construction and in particular for road users to report any damage to the road, and the local and highway authorities should have access to all reports, to ensure these is addressed and remedied in a reasonable length of time.

32. Your Petitioner emphasises that the mitigation measures set out in paragraphs 30 and 31 above would in large measure be unnecessary and the impacts would be otherwise effectively mitigated if the Bill were to be amended to include the provision of a full tunnel throughout the AONB as referred to in paragraph 28 above.

33. Your Petitioner is concerned that all residents in the area are experiencing significant property blight and are now trapped in unsellable properties, and requests that a fair and equitable property purchase is extended to include all properties in the area.

34. The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement prepared by HS2 Ltd, it is inevitable that that the construction of HS2 will disrupt the lives of the residents in the AONB, including that of your Petitioner, in ways which have not yet been considered.

35. 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 Petitioners should not be allowed to pass into law.

36. There are other clauses and provisions of the Bill, which, if passed into law as they now stand will prejudicially affect your Petitioner, and his 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 he 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 Petitioners 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Barry Barrett-Mold:  
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Date: 18/5/2014  
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HIGH SPEED RAIL  
(LONDON-WEST MIDLANDS)  
BILL

PETITION OF:-  
BARRY JOHN BARRETT-MOLD

AGAINST, By Counsel, &c.