

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – [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 Nicholas Esson
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, 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 Objection is taken to the works to be undertaken within the Chilterns Area of Outstanding Natural Beauty, and in particular to **works 2.1 and 2.12 to 2.27** (listed in Schedule 1 of the bill) in the parishes of Amersham, Little Missenden, Great Missenden, Chartridge and The Lee, and to the clauses of the bill which would authorise these works.
- 8 Your Petitioner resides in Devonshire Close, Amersham, surrounded by the Chilterns Area of Outstanding Natural Beauty
- 9 Your Petitioner and his rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Objection in principle

- 10 Although your Petitioner is aware that the Select Committee of your honourable House is unable to consider cases which object to the principle of the Bill, your Petitioner nevertheless wishes to express his objection to the project in principle. Your Petitioner has serious concerns regarding the business case of HS2, particularly the fact that it represents extremely poor value for money to the taxpayer, in a country which cannot afford a NHS which is fit for purpose, adequate social care, adequate policing or flood defences. Your Petitioner instead supports the alternative provision of additional rail capacity proposed by 51m. This represents a much better business case including lower initial costs and a much greater Benefit Cost Ratio, as reported by WS Atkins working for the Department of Transport.¹
- 11 Your Petitioner is certain that the current route through the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as “the AONB”), would not have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now encountered in constructing a line through this area would have been made apparent. No comparison of the AONB route with other alternatives has been attempted in the Environmental Statement, as is required by the Countryside and Rights of Way (CROW) Act 2000.

General Concerns

- 12 As a resident of the AONB your Petitioner has identified several specific grievances which are set out below. This list is by no means exhaustive, and due to the inadequacy of the Environmental Statement prepared by HS2, it is inevitable that the construction of HS2 will disrupt the lives of residents in the AONB in ways which have not yet been identified or considered.
- 13 Your Petitioner contends that the Environmental Statement produced for DfT/HS2 Ltd is unfit for purpose on the grounds that
- It is produced by the engineering companies likely to benefit from the awarding of construction contracts for HS2.
 - There are inaccuracies in the statements in the ES

¹ <http://www.51m.co.uk/wp-content/uploads/2013/08/update-on-51m-Alternative-summary-with-Annex.pdf>

- The effects of the ES are based on the views of these consultants only, and are understated
- It does not meet national or World Health Organisation guidelines on noise, and ignores for example tranquil areas such as the AONB
- It fails to take into account the environmental effects of construction traffic and works
- It makes invalid comparisons of carbon footprint between air traffic and proposed HS2 trains.

Consequently, the impacts of this project on your Petitioner have been greatly underestimated, and the proposed mitigation measures are totally inadequate to afford any significant abatement.

- 14 Your Petitioner therefore submits that because of the above, the Environmental Statement should be withdrawn from the Hybrid Bill, and that progress of the bill be halted until an adequate and credible ES has been produced by truly independent sources, having no vested interests in the proposed HS2 project. The replacement ES should then be the subject of public consultation, for the same time period (as extended by House of Commons and House of Lords) as was the case with the current ES that this Petitioner finds unfit for purpose.

Preservation of the Chiltern Area of Outstanding Natural Beauty

- 15 Between Mantles Wood and Wendover the Proposed Route is on the surface for 10km and includes sections in shallow cuttings, on two 500m long viaducts, on embankments and in two cut and cover ("green") tunnels.
- 16 This area is designated as an Area of Outstanding Natural Beauty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) and is further protected under the National Planning Policy Framework and the European Landscape Convention. Your Petitioner contends that building HS2 on the surface in this section will
- permanently destroy the tranquillity of the area and the beauty of its landscapes, qualities that attract over 50 million visits a year - many from London residents,
 - have severe adverse effects on the social, environmental and economic cohesion of the area during and for a period after its construction,
 - permanently and seriously impair the Petitioners ability to enjoy the natural benefits of this AONB.
- 17 The Petitioner understands that the Landscape value of this area is of the order of £350million to £500million². The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.

² "High Speed Rail in the Chilterns - Little Missenden to Wendover"

- 18 Your Petitioner requests that the AONB be protected from the effects of this grave and destructive planning error by directing HS2 Ltd to ensure that the line passes through the AONB in a bored tunnel such as the CRAG T2 Tunnel³, or the subsequent Bucks CC proposal⁴; the former having been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable. This would substantially mitigate the adverse effects complained of in this petition, and remove the need for the less effective remedies proposed below.

Water Supply

- 19 Your Petitioner is gravely concerned that the Environmental Statement does not rule out the possibility of contamination to his water supply as a result of tunnelling in the Chilterns. Your Petitioner requests that an independent scientific investigation into the likely effects of such serious disruption be carried out immediately. Your Petitioner would also draw your attention to the possibility that a longer tunnel could be realigned to avoid the aquifer under the Lower Misbourne Valley, so reducing the risk to the water supply which serves this area and much of NW London.

Construction Traffic

- 20 Your Petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic throughout the AONB, and in the Misbourne Valley in particular. Your Petitioner has identified three aspects to the problems caused by construction traffic –

1. The direct impact of construction traffic, causing congestion on construction routes, and physical damage to unsuitable or inadequate roads.
2. Indirect effects caused by non-construction traffic seeking to avoid congestion on the construction traffic routes by using other less suitable roads. The routes chosen by displaced traffic cannot be directly controlled by HS2's planners or the principal undertaker.
3. Cumulative effects of the previous items on the communities near the route, which include reduced access to the emergency services, increased journey times, reduced access to local recreational facilities, reductions in community activities and decline in local businesses

Your Petitioner notes that only item 1 above was addressed in the Environmental Statement, and that in a totally inadequate fashion.

- 21 Your Petitioner notes that the projected traffic on the narrower sections of the A413 will exceed 100% of road capacity during peak hours⁵, defined as the situation when the hourly traffic demand exceeds the maximum sustainable hourly throughput of the link. Traffic will back up on either side of these congested sections, causing congestion on the A413 throughout the AONB, and traffic displacement onto the small number of local alternative routes.

³ <http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

⁴ <http://www.51m.co.uk/hs2-tunnel-under-chilterns-practical-and-viable/>

⁵ As calculated according to the DfT "Design Manual for Roads and Bridges TA46/97"; see the Chesham Society ES response - http://www.hs2amersham.org.uk/Resources/ES/Chesham/CheshamSoc_ES_2.3.pdf

- 22 Your Petitioner observes that the greatest disruption to traffic will arise directly from diversions and closures affecting the B485 and Frith Hill, and indirectly from construction traffic and spoil movement associated with the proposed works between the Mantles Wood portal, and Leather Lane. Construction of the South Heath cut and cover tunnel, and the movement of spoil between Mantles Wood and the Hunts Green dump will sever the connections between communities on opposite sides of the line. Should a full Chilterns Tunnel be refused, he requests that the **South Heath Chilterns Tunnel Extension**⁶ be implemented. This extends the fully bored tunnel by 4km to Leather Lane, with acknowledged environmental benefits (which include preservation of 3 ancient woodlands and many homes) and at no additional cost.
- 23 The assertion that “there are no locations where there are existing clusters of accidents”⁷ is inconsistent with the regular occurrence of serious and fatal accidents on the A413, and the known dangers associated with the Chiltern Line (Rail) bridge at Deep Mill. The risk will be increased considerably by the construction traffic generated by this project.
- 24 Your Petitioner regularly drives through the AONB to access his place of employment, shops and recreational facilities, and so will be directly impacted by traffic congestion throughout the area (and on the A413 in particular) for the duration of the construction works. Your Petitioner regularly uses the network of Lanes in the AONB for recreation, and regards these as a characteristic feature of the area which should be protected in accordance with the CROW Act (2000). Many of these cross the proposed route and will be diverted or interrupted during construction.
- 25 Many footpaths and bridleways in the Misbourne valley will be stopped up or diverted, some permanently so. The destruction of the existing pattern of PROWs in the AONB will severely reduce its attractiveness to walkers, runners, cyclists and horse riders (four groups who received little or no consideration in the ES).
- 26 As a resident of an area in the vicinity of the construction zone, your Petitioner is also concerned that traffic seeking to avoid congestion will place a further burden on the roads in his community, which are already operating at or close to capacity, and so further aggravate the impact on his freedom of movement.
- 27 Your Petitioner considers the proposed Car Share scheme to be utterly and totally inadequate. They request that the nominated undertaker be required to mitigate the many remaining nuisances, by amending the Code of Construction Practice, firstly by deleting all occurrences of the phrase “where (reasonably) practical”, and secondly to provide funding which will enable Local Authorities to strictly enforce the following measures –
1. Constructing such facilities as may be necessary to remove spoil from the AONB by rail, so avoiding the creation of the spoil dump at Hunts Green, and the HGV traffic which would otherwise be required to remove this material.
 2. Constructing new roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB by construction traffic. (This might be achieved by constructing new access roads between Deep Mill and Mantles Wood, between Great Missenden (roundabout) and the South Heath ‘Green’ tunnel North Portal, and by accessing the Smalldean viaduct compound directly from the A413 instead of via Rocky Lane)

⁶ http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA_final.pdf

⁷ ES Vol:2 CFA9 sec 12.4.19

3. Restricting HGV movements to the period 09:30 – 15:30 throughout the AONB, and prohibiting HGV Movements along school routes for 30 minutes before and after the start and end of the school day (during term time).
4. Operating a 'Park and Ride' scheme to transport construction workers along the trace, from car parks outside the AONB, and enforcing this by not providing parking for contractors on or near the construction compounds.

Health and Welfare

- 28 Your Petitioner is gravely concerned that the emergency services will be unable to provide timely support to his family and property due to road congestion during the construction period, and would respectfully remind the committee that the A413 and A404 carry ambulances to the local A&E department at Stoke Mandeville, as well as all HS2 traffic to and from the AONB.
- 29 Your Petitioner requests that HS2 Ltd provide an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response, The committee might also consider that with 11 construction sites operating in the area, it would be criminally irresponsible not to be prepared for any industrial accidents.

Environment

- 30 Your Petitioner makes extensive use of the recreational facilities afforded by the AONB, and strongly objects to the following impacts of the project –
1. Diversions of public rights of way, and reinstatement of some PROWs to run alongside the line.
 2. Destruction of woodland and in particular of Ancient Woodland. Ancient Woodland represents an irreplaceable resource (as stated by HS2 Ltd); there is no evidence suggesting that translocation of Ancient Woodland is successful.
 3. Adverse effects on the ecology of the AONB, in particular on the bat and owl populations and rare plants.
 4. The use of 'sustainable placement' in the AONB (at Hunts Green) which your Petitioner regards as a contravention of the CROW(2000) Act. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding **Natural** Beauty.
 5. Continuing audible and visual intrusion of the railway in operation. No mitigation has been proposed to address the impact on walkers, cyclists or horse riders, and their needs are hardly mentioned in the ES (Vol2) reports covering the AONB (parts 7 to 10)

The only practicable mitigation for all these impacts is the full tunnel as requested above. The creation of the Hunts Green Spoil Dump would also be avoided if spoil was removed from the area by rail (see 27.1 above).

- 31 Your Petitioner notes that HS2 have identified land 'potentially required' for construction at the Amersham Vent shaft which will block the entrance to the Amersham Hospital. Furthermore, traffic to the materials store on the North side of the A404 will delay access to the adjacent Chilterns Crematorium. Your Petitioner therefore requests that the site plan is revised to remove these features.

- 32 Your Petitioner notes that access to Amersham Old Town will be curtailed as a result of the increase in traffic congestion on the main access routes (A413, A404, A355) and that this will deter the visitors on which this town depends for survival. This may lead to the closure of businesses patronised by your Petitioner, who will then be forced to travel further to alternative suppliers.
- 33 HS2 Ltd/DfT must compensate all retailers and businesses in the affected area to the extent that demonstrated retail and business loss is identified as a result of HS2 construction. Furthermore during construction and operation of HS2, HS2Ltd/DfT should provide funding for a campaign to demonstrate that Amersham Old Town is open on a 'business as usual' footing.
- 34 Your Petitioner endorses the petitions of other bodies having similar concerns, such as
- The Chilterns Conservation Board
 - The Chilterns Society
 - Chiltern District Council
 - Chesham, Amersham and Great Missenden Councils
 - The Chesham Society
 - The Residents Environmental Protection Association, and the separate petitions of its constituent members
 - The Chiltern Ridges Action Group
- 35 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above (to modify the works noted in paragraph 7) so far affecting your Petitioner, 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 and interests and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONERS therefore humbly pray 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 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

(J. E. Conboy , agent for Nicholas Esson)

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION OF Nicholas Esson

AGAINST, By Counsel, &c.

Dr J E Conboy
288, Chartridge Lane
Chesham
Bucks HP5 2SG

HS2@jimconboy.com
01494 773822 / 07730 230405