

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 John Naylor-Smith
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 Sycamore 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, and particularly *dangers to the water supply* as set out in item 14 below.

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 doubts that the current route through the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as “the AONB”), would 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 that the construction of HS2 will disrupt the lives of residents in the AONB in ways which have not yet been identified or considered.

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

Contaminated Water Supplies.

- 13 Your Petitioner contends that the Environmental Statement produced for DfT/HS2 Ltd is unfit for purpose on the grounds that **no account has been taken of the real likelihood of contamination of the water supply to residents in Amersham (and surrounding areas) and probably to 20% of residents in the London area.**

The reasons are :-

1. The ground structure of the Misbourne valley is a delicate mix of chalk and river gravels created when, in pre-historic times, the River Thames flowed on a path exactly where tunnelling for HS2 is scheduled.
2. The damage to chalk structure by these gravels extends to a depth of 16 metres, and as the tunnel is only 22 metres deep at this point, there is a distinct probability of collapse or other damage.
3. **Contamination** to the Misbourne Valley (from where our water supply comes) and to the Colne Valley (river Misbourne flows into river Colne) is agreed to be **exceedingly likely**. Affinity Water, who supply our water, have entered a claim against HS2 for any additional costs it will incur in attempting to arrange a substitute supply, and the letter from HS2 Ltd as sent to me states **"We accept that the proposed scheme could give rise to a significant adverse effect on water supplies"**.

Your petitioner submits that the dangers to the water supply for some 4 million UK householders is near to being a certainty.

- 14 **HS2 should *not* be built along the Misbourne valley. It is an unbelievable fact that *no* proper environmental assessment was made before the route of any high speed rail line was planned.**
- 15 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, following a thorough survey of the geology of the Misbourne Valley. 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

- 16 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.

- 17 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 impare the Petitioners ability to enjoy the natural benefits of this AONB.
- 18 The petitioner understands that the Landscape value of this area is of the order of £500million to £750million². The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.
- 19 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.

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 regularly drives through the AONB to access homes of friends, 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.
- 21 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 capacity, and so further aggravate the impact on his freedom of movement.
- 22 Your Petitioner observes that the greatest disruption to traffic will arise from the proposed works between the Mantles Wood portal, and the South Heath Cut and Cover tunnel and so requests that the **South Heath Chilterns Tunnel Extension**⁵ be implemented. This extends the full bored tunnel to Liberty Lane, with acknowledged environmental benefits and at no additional cost

² "High Speed Rail in the Chilterns - Little Missenden to Wendover"
Report by Chiltern Conservation Board and Peter Brett Associates, Oct 2014

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

23 Your Petitioner also requests that the nominated undertaker be required to mitigate the remaining nuisances, by amending the Code of Construction Practice to strictly enforce the following measures –

1. 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).
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.
3. Operating a 'Park and Ride' scheme to transport construction workers along the trace, and enforcing this by not providing parking for contractors on or near the construction compounds.
4. 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.

Health and Welfare

24 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 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.

25 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

26 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.
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)

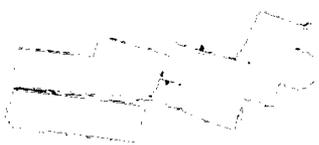
The only practicable mitigation for all these impacts is the full tunnel as requested above. The creation of the Hunts Green Spoil Dump would also be avoided if spoil was removed from the area by rail (see 23.4 above).

- 27 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.
- 28 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.
- 29 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.
- 30 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above (to modify the works noted in paragraph 7) so far affecting your Petitioners, should not be allowed to pass into law.
- 31 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights and interests and for which no adequate provision is made to protect your Petitioners.

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.

Your Petitioner is particularly concerned as to real possibility of contamination to the water supply as set out in item 14 above.

AND your Petitioners will ever pray, &c.



(J. E. Conboy , agent for John Naylor-Smith)

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PETITION OF **John Naylor-Smith**

AGAINST, By Counsel, &c.

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