

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 CHRISTOPHER GREEN AND GILLIAN GREEN

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 Petitioners are **Christopher Green** and **Gillian Green** (hereinafter referred to as “your Petitioners”) the occupiers of 48 High Street, Great Missenden (hereinafter referred to as “the Property”). Your Petitioners have lived in the centre of the historic village of Great Missenden for 12 years. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

8. Code of Construction Practice

8.1. Your Petitioners submit that the negative impacts of the proposed 7 year local construction period of the railway and associated works will impact significantly upon their quiet enjoyment of the Property and the neighbourhood by reason of noise, dust, disturbance, visual intrusion and traffic increases. There is, for example, no binding commitment on HS2 to ensure that no construction traffic uses village roads (including those through the historic conservation area) or to prevent other traffic seeking to avoid the congestion on designated construction traffic routes from using these village roads. The Code of Construction Practice fails to provide the level of reassurance reasonably believed by your Petitioners to be necessary for their protection and the protection of their village community given the scale, magnitude and duration of this project.

8.2. Your Petitioners further submit that, as currently drafted, the Code of Construction is too hedged with qualifications and a lack of certainty as to its enforcement to give them or the community confidence that the Code will provide effective protection. Non exhaustive examples of current weaknesses are: imposing specified working hours and then removing them by allowing HS2 to permit other working hours; the use of words and phrases such as “may”, “consult”, “seek”, “take reasonable steps” “where reasonably practical” and the weak definition of “Best Practical Means”.

8.3. Your Petitioners believe that the Code of Construction Practice should be incorporated into the Bill so that the code has statutory force and furthermore submit that:

- 8.3.1. the drafting must be strengthened to guarantee that there can be effective enforcement;
- 8.3.2. the Code must include a binding commitment on HS2 to ensure that no construction traffic uses village roads (including those through the historic conservation area) and to prevent other traffic seeking to avoid the congestion on designated construction traffic routes from using these village roads;
- 8.3.3. the unambiguous primary responsibility for compliance with the Code must be imposed by the Bill on HS2 so that anyone who suffers loss or damage (or who is likely to do so) can ask the Courts to enforce the Code and award damages or order other appropriate redress for breaches;
- 8.3.4. the Code must include provision for independent monitoring (and the public availability of compliance data) sufficient to evidence that the Code is being complied with.

8.4. Your Petitioners are also concerned that the Code ignores the fact that part of the construction of the railway and its associated works falls within the Chiltern Area of Outstanding Natural Beauty ("AONB") of which their village is at the centre, yet the Code of Construction Practice includes no more protection for the AONB during the construction phase than any other part of the route. Your Petitioners submit that HS2 must be required to adopt (consultation is altogether too weak) such measures for the protection of the AONB during the construction phase that are reasonably requested by the Chiltern Conservation Board, Natural England and relevant Local Authorities and to provide adequate funding to those bodies to facilitate such monitoring.

9. Limits of Deviation

9.1. Your Petitioners are concerned that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaker can deviate vertically upwards not exceeding three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans.

9.2. Your Petitioners are concerned that these deviations could potentially make significant differences to the impacts of the construction and operation of the high speed railway and associated development within the AONB, for example by raising the track height to the detriment of the amenity of the area and exacerbating the visual and noise impact of the railway on your Petitioners and their community. These potential environmental impacts are not adequately addressed in the Environmental Statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures to reduce

adverse environmental effects "*provided it does not add unreasonable cost or delay to the construction and operation*".

9.3. Your Petitioners request that in so far as they affect the AONB the provisions in the Bill be amended to delete the proviso quoted in italic above and to prohibit any vertical deviation.

10. Noise

10.1. Your Petitioners have major concerns with regards to noise caused by the construction and operation of the high-speed railway. Your Petitioners are concerned because there appears to be no mechanism in the Bill to deliver a properly noise mitigated railway and/or effectively to control noise during the 7 years construction period.

10.2. Your Petitioners are concerned that the fundamental calculations needed for forecasting noise impacts, known as the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) have not been correctly identified and were set too high in the Environmental Statement, leading to material underestimation of the adverse noise and significant adverse noise impacts likely to arise from the high speed railway.

10.3. Your Petitioners are further concerned that the thresholds adopted in the Environmental Statement for noise limits were set above those the World Health Organisation considers acceptable.

10.4. Your Petitioners therefore request:

10.4.1. HS2 be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside);

10.4.2. HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and that the Bill be amended to give local authorities enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached and the necessary funding to permit them to undertake all appropriate monitoring and enforcement action;

10.4.3. HS2 Ltd be obliged to commit to designing the high speed railway and to operate it in such manner that the revised noise exposures are not breached.

11. Compensation

- 11.1. Your Petitioners believe in the principle that the polluter should pay, and submit that the proposed compensation provisions fail to satisfy this test because they only compensate a limited number of persons and are unduly restrictive. The provisions are unfair because they fail to provide compensation for all those, including your Petitioners, who suffer loss and damage as a result of the construction and operation of the high-speed railway and its associated works.
- 11.2. Your Petitioners request that the Bill be amended to ensure your Petitioners and other persons outside the safeguarding area who are injuriously affected and adversely affected and suffer loss are able to seek compensation.
- 11.3. Your Petitioners are also concerned that there is no compensation for communities that suffer adverse impacts from noise, dust and vibration, and adverse impacts on highways, visual amenity, general amenity and community facilities as well as interference with access and supplies of services.
- 11.4. Your Petitioners request that the promoters of the Bill establish a Great Missenden community fund to support local causes to offset damage to the local amenities and environment which cannot be compensated by other means and that consideration should also be given to a compensation fund for local businesses. There are many precedents from other large-scale infrastructure projects including HS1, wind-farms and fracking, where local communities directly impacted by projects determined to be in the "national interest" have benefited, or will benefit, from generous community funds established by the developer and in the case of energy infrastructure, on an on-going annual basis. Your Petitioners are concerned that no such discussions or commitments have been made to date by the promoter of the Bill.

12. Highways

- 12.1. Your Petitioners are concerned that the construction of the high speed railway and associated works in CFA9 and the surrounding area will impact significantly upon the quiet enjoyment of the Property and the neighbourhood by reason of noise, dust, disturbance, and traffic increases.
- 12.2. Your Petitioners are particularly concerned about;
 - 12.2.1. the use of unsuitable highways (and the risks to public safety) by large, heavy lorries and articulated vehicles,

using narrow roads during the construction works. The use and routing of construction traffic on local roads within the vicinity of the Property and the use by other traffic of such local roads to avoid congestion on the nearby designated construction routes is also a matter of concern to your Petitioners;

12.2.2.the wear and tear, and degradation to their local highways as a result of construction traffic and the consequent pressure on local authority budgets and thus local taxes;

12.2.3.the impact construction traffic will have on the use of highways by statutory undertakers, Police and emergency services, particularly as the proposed local construction routes include roads used to access local hospitals and accident and emergency departments.

12.3. Your Petitioners request that the Bill include provisions requiring that:

12.3.1.risk assessments be completed by the local Highway Authority in conjunction with statutory undertakers, Police Fire and other emergency services (funded by HS2) in relation to the access and safety issues raised by construction traffic activity within CFA9 and surrounding areas . Your Petitioners requests that the results of the risk assessment should be available to the public;

12.3.2.the suitability of roads and routes for construction traffic be assessed by local Highway Authorities and construction traffic routes agreed with HS2 having regard to the particular sensitivities of the AONB and the risk assessments completed pursuant to the preceding paragraph;

12.3.3.traffic management plans be agreed between HS2, relevant local authority and the relevant highway authority requiring HS2 only use the construction traffic routes agreed by local Highway Authorities. Compliance with such management plans thereafter to be monitored and enforced by local authority environmental health officers funded by HS.2;

12.3.4.limiting the movement of construction traffic to 08:00 to 17:00 Monday to Friday, with limits on the number of vehicle movements, limits on the size of vehicles, and other limitations and controls necessary for the protection of the health and well being of local communities;

12.3.5.HS2 provide appropriate funding to the highway authority for the maintenance, repair and re-instatement of highways necessary as a result of use by construction traffic.

13. AONB

- 13.1. The AONB was designated in 1965 for the natural beauty of its landscape, its nature and cultural heritage. Your Petitioners believe that the promoters of this Bill are proposing to construct a railway line that ignores the internationally recognised status the area and which will cause immense and lasting damage to a protected landscape, result in the loss of local wildlife, destroy areas of ancient woodland and substantially reduce the amenity currently enjoyed by your Petitioners and their community and will injuriously affect your Petitioners and the Property.
- 13.2. Your Petitioners consider that the route of the high speed railway line AONB railway route, design and construction contradicts:
 - 13.2.1. Paragraphs 115 and 116 of the National Planning Policy Framework (NPPF), which requires developers to ensure that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”; and
 - 13.2.2. fails to discharge the duty imposed on the Secretary of State for Transport pursuant to section 85(1) of Countryside and Rights Of Way Act 2000 to “ have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.
- 13.3. Great Missenden is central to the wider AONB economy, including tourism.
- 13.4. Your Petitioners are concerned at the lack of any attempt by the promoter to consider the negative impact of the scheme on the AONB tourist industry and on the village in which they live, Great Missenden, in particular. This is particularly evidenced by the omission of any reference to tourism in the CFA9 section of the Environmental Statement (ES) deposited with the Bill.
- 13.5. The promoter of the Bill was informed at several meetings of the direct economic, social and environmental interrelationship between Great Missenden and surrounding smaller villages and communities in the AONB, including South Heath, Hyde Heath, Hyde End, Little Missenden and Potter Row, but this evidence is not reflected in the ES.
- 13.6. Great Missenden is also linked directly to the much larger community of Prestwood and Heath End (population 8,000), by far the largest community in the Great Missenden Parish Council

area, which also includes South Heath. Again this issue was ignored in the ES and your Petitioners are concerned that the promoter of the Bill has not responded properly at any stage of the scheme's development to any of the informed, reasonable and serious concerns that we have expressed and that have been expressed by many others in our community.

- 13.7. Independent retail businesses in Great Missenden (there are more than 50) estimate that >50% of their annual turnover comes from visitors to the village including AONB tourists. Your Petitioners are concerned that the promoters of the bill have no understanding of why Great Missenden has this concentration of businesses and what impacts the construction of the route and its operation will have on patterns of shopping, access to essential services in the village, on visitor numbers and on local employment. Evidence from e.g. past local road improvement projects, demonstrates that the village centre and its businesses are extremely sensitive to the disruptive impact of construction, route diversions and road closures, but none of this is even considered by the promoters of the Bill in the Environmental Statement (ES) deposited with the Bill.
- 13.8. Your Petitioners are concerned that the ES fails to recognise the particular importance and sensitivity of Great Missenden in the AONB arising in part from its proximity and ease of accessibility from London and position as an important "gateway" to the AONB and which is recognised by the Chilterns Conservation Board, the statutory body with responsibility for protecting and enhancing the AONB.
- 13.9. Your Petitioners believe that the promoters' current proposal to end the fully bored tunnel through the Chiltern AONB and to construct the tunnel portal at historic Mantles Wood, to carry out surface works, "sustainable placement" areas for spoil, cuttings and green tunnel construction does little to address the real concerns expressed in the preceding paragraphs but instead such works and particularly their construction over 7 plus years will have a substantial negative impact on Great Missenden village and the surrounding AONB.
- 13.10. Your Petitioners fully support the need to extend the "Chilterns" tunnel beyond the current portal at Mantles Wood for the reasons set out in the forgoing paragraphs. Your Petitioners would however oppose any attempt by the promoter to move the current AONB surface route alignment from the Mantles Wood tunnel portal (proposed since 2011 and consulted upon in both the draft Environmental Statement consultation and the ES) any closer to the villages of Great Missenden and Prestwood

because this would have a massive adverse impact on these village communities and their combined population of >10000 and cause even greater negative impact and damage than will the current proposals.

- 13.11. One of the consequences of the decision by Ministers and the promoters of the Bill to push HS2 through the widest part of the only AONB on the entire route and then to end the misleadingly named "Chilterns tunnel" in the middle of ancient Mantles Wood is that construction traffic will have to use the local road infrastructure including the B485 Great Missenden to Chesham. These roads are entirely inappropriate for the demands and timescale of a construction project of this magnitude. The promoters' commitment to ensure that no construction traffic uses Great Missenden roads south of the A413 must be adhered to throughout the construction phase and the promoter must ensure that this decision is monitored and enforced properly. Your Petitioners are concerned that no consideration has been given to protect the village from an increase in vehicles seeking alternative local routes to avoid construction traffic, nor to the impact of such an increase in heavy construction traffic on the village primary school, which is situated adjacent to the A413 in Church Street.
- 13.12. Your Petitioners believe that the only practicable solution to the noise, transport, local economy, environmental destruction and other negative impacts of the scheme outlined in the preceding paragraphs will be an extended fully bored tunnel. The promoter has acknowledged in the ES that a fully bored AONB tunnel would have the most potential benefit compared to the other tunnel options. This would minimise, but not eliminate altogether the direct impact to the AONB and its residents, as the promoter has accepted.
- 13.13. Your Petitioners are concerned that whilst the Promoter has rejected all extended tunnel options "on grounds of cost" the Promoter declines to disclose any details of its calculations. Your Petitioners say that consequently they have and are being deprived of any opportunity effectively to assess and/or to challenge the validity of the Promoter's rejection. Furthermore, your Petitioners fear that the value of the avoided social, environmental, health, economic and community impacts of replacing the current preferred route with a full AONB tunnel have not been calculated or even acknowledged as a legitimate consideration, as part of this Bill process.
- 13.14. Your Petitioners believe that a full and fully bored AONB tunnel would result in very significant environmental advantages

including (but not limited to) minimal disruption to local communities and vital local businesses and services, no loss of jobs and no loss of ancient woodland or protected hedgerows, no loss or severance of farmland, no need to close or divert roads and Rights of Way, very significant reduction in noise issues, much reduced impact on wildlife and local biodiversity, limited damage to the tourist economy and amelioration of stress, anxiety and depression among local residents.

- 13.15. If the Extended Chiltern Tunnel to the end of the AONB is not granted then your Petitioners propose that the alternative Extended Chiltern Tunnel to Liberty Lane near Leather Lane is built in place of the above ground construction described in the Hybrid Bill and Environmental Statement.
- 13.16. Your Petitioners respectfully request that your honourable House should take the opportunity of examining the proposals for Great Missenden and the central Chilterns section of the AONB to determine whether the proposals are appropriate in the light of their impact in the area. Your Petitioners also invite your honourable House to consider the case for extending the fully bored tunnel northwards from the portal at Mantles Wood and to consider the local economic, environmental and social benefits that would be delivered for Great Missenden, the surrounding towns and villages and the AONB by so doing.
14. In light of the above, the Petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
15. For the foregoing and connected reasons your Petitioners respectfully submit that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
16. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, (including their human rights) interests and Property and for which no adequate provision is made to protect your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.
17. 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 such of the clauses and provisions of the Bill as affect 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.

18. AND your Petitioners will ever pray, &c

Signed:

.....
CHRISTOPHER GREEN

.....
GILLIAN GREEN

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

**PETITION OF CHRISTOPHER GREEN
AND GILLIAN GREEN of**

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AGAINST, By Counsel, &c.

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