

HIGH SPEED RAIL (LONDON TO 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 Anna Ludlow

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 is Anna Ludlow (hereinafter referred to as 'the Petitioner'), the owner and occupier of 3 Furze Field Lane, Lee Gate, Great Missenden, Buckinghamshire HP16 9NR ('the Property').
8. Your Petitioner's Property is located within the section of the route that runs from Great Missenden to Wendover and is approximately 1 mile from the proposed route of Phase 1 of HS2. The Property is in a rural and tranquil location in close proximity to the area safeguarded for construction and operation of the new line. The HS2 route will be above ground at that point. Your Petitioner is extremely concerned about the construction and operation of HS2 and her Property will be injuriously and directly affected through the noise and disruption of construction and also the noise of operation of HS2 which will travel across the open countryside. Your Petitioner has lived in this area for around 15 years and enjoys the natural amenity of the area which is an Area of Outstanding Natural Beauty. The current plans for HS2 will be extremely negative for the community in which your Petitioner lives.
9. Your Petitioner is extremely concerned about the implications of light pollution from the construction and operation of HS2 as lighting will be required for the construction and operation of HS2 which will impact the currently unlit countryside night sky and also during the day and will be visible from your Petitioner's Property. Your petitioner is also concerned about the loss of tranquillity in the area – it is currently silent at night and during the day there is little noise pollution.
10. Your Petitioner is very concerned about access to local amenities. In order to access the larger villages of Great Missenden, Wendover, Aylesbury, Amersham, Beaconsfield and other surrounding areas it will be necessary to cross the construction and operational route. Travel and access will be very difficult due to delays and disruption caused by road closures and local country lanes being used as construction routes. Many of the local roads are not designed to take HGV traffic and many lorry movements per day as under the current proposals. The A413 will be the main construction route and even minor road works requiring traffic lights cause severe delays. In particular, Leather Lane will be closed for the period of construction and access to Rocky Lane will be severely disrupted (both are the main access routes to my Property and using other routes would mean lengthy diversions and delays to my journey) meaning my Property and the surrounding environment will be isolated from amenities and other road routes.
11. Your Petitioner is also concerned about the impact on the AONB and in particular the closures, visual impacts and noise pollution affecting public rights of way throughout the local area. Such public rights of way will also suffer from noise pollution and severance in some cases. Your Petitioner also enjoys cycling in the area and there are many designated cycle paths throughout the local vicinity which will be severely affected by construction traffic. The construction traffic will have severe negative effects on the ability to cycle in the area and will raise safety concerns for cyclists due to the narrowness of many of the roads.

12. Your Petitioner has been caring for extremely unwell elderly parents for the past 7 years and has been unable to earn any income during this time. Your petitioner is already under extremely high levels of stress and the additional stress of the proposed works for HS2 have added to this stress considerably. The current plans will make travel to care for your Petitioner's parents extremely difficult and causes great concern to your Petitioner. In addition, your Petitioner's quiet enjoyment of her Property will be severely impacted.
13. Your Petitioner is also extremely concerned about the proposed Sustainable Placement Area at Hunts Green (which extends close to Swan Bottom in the immediate vicinity of the Property) and would like to ensure that the spoil is transported out of the AONB by rail and not dumped at Hunts Green Farm as currently proposed.
14. **Tunnel Through The Chilterns AONB**
 - 14.1 HS2 bisects the AONB at its widest part. 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. Less than half the AONB is currently in a bored tunnel.
 - 14.2 This area is designated as an AONB 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
 - (a) 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,
 - (b) have severe adverse effects on the social, environmental and economic cohesion of the communities in the area during and for a period after its construction,
 - (c) permanently and seriously reduce the ability of residents to enjoy the natural benefits of the area in which they live.
 - 14.3 It is estimated that the value of this area is of the order of £500million to £750million. The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.
 - 14.4 Your petitioner doubts that the current route through the Chilterns 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 apparent. No comparison of the AONB route with other alternatives has been attempted in the Environmental Statement nor has the flexibility in the detailed route been explored that would be possible had the route not been 'future proofed' to be capable of a maximum speed of 400km/hr but a lower speed adopted.
 - 14.5 Your petitioner requests that the AONB be protected from these effects by ensuring that the line passes throughout the AONB in a bored tunnel, either as proposed by Chiltern District Council, or as proposed by the CRAG T 2 Tunnel, the latter having been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable to the proposal in the Bill. This would substantially

mitigate the adverse effects objected to in this petition, and the need for the less effective remedies proposed below.

- 14.6 If the plans for a tunnel are not accepted your petitioner requests that the alignment of the line be changed to the plans which formed part of the 2011 consultation on high speed rail.

15. **Limits of Deviation**

- 15.1 Your Petitioner is 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.
- 15.2 Your Petitioner is 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, for example by raising the track height to the detriment of the amenity of the landscape. 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.
- 15.3 Your Petitioner requests that the provisions in the Hybrid Bill to allow deviation should upwards or laterally be deleted.

16. **Noise**

- 16.1 Your petitioner has grave concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway, which will impact on the Petitioner's property as well as the surrounding countryside where the Petitioner regularly walks and cycles for recreation. Your petitioner is concerned as there appears to be no mechanism in the Bill to deliver a properly noise mitigated railway.
- 16.2 Your petitioner is 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.
- 16.3 Your petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above what the World Health Organisation considers acceptable. Your petitioner considers this issue is likely to become more pressing given the moves by the World Health Organisation to set new lower targets on the basis of the latest medical research on the impact of noise on human health.
- 16.4 Your petitioner is concerned that the specific impacts of groundborne noise have not been properly considered or explained to impacted communities and the limit for

groundborne noise does not reflect recent or practice or experience and the methodology used for predicting the impact of groundborne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.

16.5 Your petitioner therefore requests

16.5.1 HS2 Ltd 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).

16.5.2 HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.

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

16.5.4 A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.

16.5.5 HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension - meaning groundborne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.

16.6 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.

16.7 Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

17. Waste

17.1 Your Petitioner is gravely concerned that the impact on local communities of the amount of waste to be excavated and removed from the construction of the high speed railway has been underestimated and the environmental impacts of removal and disposal of such waste has been needlessly worsened because of the primacy (in UK and EU law) of the requirement to seek to avoid disposal of waste and comply with the principles of the waste hierarchy has been ignored by HS2 Ltd.

17.2 Your petitioner is concerned that the forecasts provided for each Community Forum Area for amounts of waste to be excavated and removed from that area appear to be contradictory and take insufficient account of local authority planning policies.

17.3 Your Petitioner is gravely concerned about the 'sustainable placement' of spoil in the AONB (at Hunts Green) as a contravention of the provisions protecting the AONB in the 'Countryside and Rights of Way Act 2000'. This large scale redesign of the

landscape is incompatible with its status as an Area of Outstanding Natural Beauty. A spoil heap, if created behind Hunts Green, will take years to settle and become established and will, in any event, create an artificial hill and an unacceptable scar in the AONB. It will be more than twice the size of Green Park.

- 17.4 Your Petitioner objects to the use of balancing ponds in the Chilterns AONB as they are not natural ponds and would significantly alter the character and visual aspects of this area.
- 17.5 Your petitioner submits that the plans for a Sustainable Placement Area should be eliminated and that alternative arrangements should be finalised for disposal of waste.
- 17.6 Your petitioner requests that: HS2 Ltd be required to comply with the requirements of the Waste Framework Directive and review its decisions on treatment of waste to ensure compliance with the waste hierarchy as detailed in that Directive. Such review should include publishing details of the "integrated design approach" to waste management and subject to consultation to enable effective public participation on this issue. In particular your Petitioner objects to the dumping of spoil in the AONB and requests that this be transported out of the AONB and disposed of outside the AONB.

18. Code of Construction Practice

- 18.1 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.
- 18.2 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 with effective oversight and redress arrangements in the event of non-compliance with the Code of Construction Practice.
- 18.3 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 the relevant local authority. 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.
- 18.4 In particular, the Petitioner is concerned that clear limits are set on noise and lighting from night-time construction works given normally dark skies and complete silence in this rural location. This is a matter that should be addressed at the stage of the Bill to give certainty.

19. Air Quality

- 19.1 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.
- 19.2 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 made public. Your petitioner submits that thresholds for air quality and an air quality mitigation plan should be produced for each Community Forum Area, to apply both during construction and operation of HS2.
- 19.3 Your Petitioner requests that the local authority should be provided with powers to monitor air quality in accordance with binding mitigation plans and in the event air quality thresholds are breached, your Petitioner submits that the Bill should be amended to enable the local authority to require the cessation of construction activities until such point as air quality thresholds are complied with.

20. Hydrology

- 20.1 Your Petitioner is concerned about the danger of water pollution arising from the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport links.
- 20.2 Your Petitioner requests that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against accepted water quality levels.
- 20.3 Your Petitioner is concerned that the Hybrid Bill seeks to undermine long standing and important legal safeguards concerning the safety of drinking water. Your Petitioner requests that Clause 31 and schedule 20, which override key legal safeguards that protect public water supplies be deleted from the Hybrid Bill.

21. Compensation

- 21.1 Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur and the diminution in house price that has already been experienced in the area and the further diminution in house price that may be experienced as a result of construction and operation of the high speed railway and associated development and the damage caused by continuing residence in a Property that will suffer from noise and location in close proximity to countryside which will be visually impacted. Your Petitioner is gravely concerned that if Parliament decides against a continuation of the bored tunnel throughout the AONB that her Property will continue to be adversely affected in terms of property blight and that it will continue to be difficult to sell or only be possible to sell at a loss. Your Petitioner has been unable to work for the last 7

years due to caring for unwell elderly parents and cannot afford to incur a loss in value on her property which is her sole asset.

- 21.2 Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to claim full compensation to recompense your Petitioner for the loss in value suffered as a result of HS2 and should be entitled to compensation up to the full unblighted value of the property as its value would have been without HS2.

22. Ecology

- 22.1 Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on fauna and flora and in particular the effect on the barn owl population and also the destruction of local ancient woodlands. The proposals for the continuation of the bored tunnel would mean that the 3 ancient woodlands within your Petitioner's area would be saved from destruction. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on ecology including but not limited to avoiding ancient woodland, migration routes for wildlife across construction sites and the operational high speed railway and associated development, and compensatory measures to offset habitat loss and other damage to species.

- 22.2 Your Petitioner requests that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations, compensation off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget for these purposes.

- 22.3 Your Petitioner requests that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to the revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities' wellbeing, adjusting metrics to encompass the precautionary principle, treatment of ancient woodlands should be separately from the overall biodiversity net loss calculation, re-examining scope for off-site biodiversity compensation, research on alternative discount factors for the off-setting metric.

23. In light of the above, the Petitioner reserves 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 out representation before the Select Committee.

24. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
25. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER 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 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

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SIGNED 

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013-2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF Anna Ludlow

AGAINST, By counsel, &c

1. The petition is presented by Anna Ludlow, of the County of ...
2. The petition is presented by ...
3. The petition is presented by ...
4. The petition is presented by ...
5. The petition is presented by ...