

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 the Marriott's Avenue Group

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 3, along with Schedules 1 to 4, authorise and detail the works to be done in relation to the construction and the operation of the railway (also "HS2") mentioned in paragraph 1 above, including the associated stopping up and construction of highways. The railway works themselves are detailed in Schedule 1 and referred to as "the Scheduled Works". Clauses 4 to 18 of the Bill, along with Schedules 5 to 15, deal with compulsory acquisition of land, the extinction and exclusion of rights over land and the temporary possession and use of land.
- 4 Clauses 19 to 36, along with Schedules 16 to 26, provide for deemed planning permission and deregulation, including in relation to listed buildings, ancient monuments, burial grounds, commons, water and noise.
- 5 Clauses 37 to 44, along with Schedules 27 to 29, deal with the regulation of the railway and provide for the appointment of a nominated undertaker to exercise the powers in the Bill ("the Nominated Undertaker"). Clauses 45 and 46, along with Schedules 30 and 31, make provision for statutory undertakers with Clause 47 providing a power to compulsorily acquire land for regeneration or relocation and clause 48 provides a power to carry out reinstatement works.

- 6 Other clauses within the Bill make provision for the Crown, for further high speed railway works and for the application of the Environmental Impact Assessment Regulations (defined as the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) or any regulations replacing them).

Your Petitioner

- 7 Your Petitioner is Marriotts Avenue Group (MAG). Marriotts Avenue is in South Heath which is a community of about 350 properties and 800 residents in Buckinghamshire and within the Chilterns Area of Outstanding Beauty (AONB). South Heath lies about 1.6kms east of the A413 (the main road from Amersham to Wendover) and 2kms east of Great Missenden (that requires crossing over the A413 to reach).
- 8 MAG was originally formed in 2013, it has 40 members representing 42 properties who have been sharing resources and co-ordinating local activities in response to HS2's plans for the area. A full list of members is available by writing to the Chair at the Petitioner's address.
- 9 MAG is a founder member of the Residents' Environmental Protection Association (REPA) established in 2013. REPA is an association of individuals and local groups mainly in the South Heath area (including Hyde Heath, Hyde End, and Potter Row).
- 10 MAG covers Marriotts Avenue which is a U shaped lane of 42 dwellings opening at each end onto Ballinger Road. It lies in the Zone of Theoretical Visibility provided in the Environmental Statement (ES). Your Petitioner's members' properties are specially and directly affected as they are within about 800m of the proposed line, the works, the construction compounds and the portals of the green tunnel. Their main access to Great Missenden, Amersham, and Chesham (with their amenities and transportation links) are all accessed by roads that will be construction routes (Frith Hill (South Heath Leg), Kings Lane, Chesham Road. The nearest main road (the B485 and A413) are also both construction traffic routes. The residents currently enjoy access to South Heath's "own" ancient woodland (Sibley's Coppice); and the footpaths, cycle routes, tranquil areas and views, are all accessible on foot within minutes of their properties.
- 11 Your Petitioner responded to the Draft and the final Environmental Statements. MAG also contributed to the Central Chilterns Community Forum (CCCF) Area ES consultation response (for CFA 9), and some of your Petitioner's members regularly attended the CCCF meetings, as part of the South Heath Action Group.

Your Petitioners' concerns, objections and request for alteration of the Bill

- 12 Your Petitioner's residents will suffer a range of severe and adverse effects by reason of the Bill. Your Petitioner requests that the fully bored Chiltern Tunnel is extended throughout the entirety of the AONB as it will address most, if not all, of their concerns, and will reduce the impact on the AONB. Currently less than half the AONB is in a bored tunnel, and HS2 bisects the AONB at its widest part.
- 13 Your Petitioner is gravely concerned about the permanent damage to the Chilterns AONB. There are 33 designated AONB's in England, and the Chilterns is the closest of these to London. They are designated under the provisions of the Countryside and Rights of Way Act (2000), (the CROW Act) in order give them permanent

statutory protection against any development that would damage their special qualities, thus conserving a number of the finest landscapes in England for the nation's benefit. AONBs have a national status akin to a National Park.

- 14 The primary purpose of this special recognition is to conserve and enhance the natural beauty of the landscape whilst meeting the need for quiet enjoyment of the countryside for all and having regard for the interests of those who work and live there. This Bill does not appear to recognise this, and consequently fails to make appropriate efforts to conserve the Chilterns AONB. Your Petitioner understands that the use of a hybrid bill as the vehicle for gaining planning consent relieves the Promoter of the need to give the AONB the protections that would otherwise be necessary.
- 15 Your Petitioner requests that Parliament instruct the Promoter to afford the Chilterns AONB all the benefits that the CROW Act would otherwise require were planning consent granted by another vehicle, which inescapably would mean that HS2 should traverse the AONB in a bored tunnel for its entire length.
- 16 The proposed line cuts across Frith Hill (SHL) and B485 Chesham Road on the alternative routes to Great Missenden, and these roads, and the roads on the Marriotts Avenue side of the trace and running parallel to it (Potter Row, Kings Lane and Hyde Heath Road) will all be greatly affected by the cuttings, green tunnel and associated works - as outlined in Clause 2, Schedule 2 Volume 2.1 plan sheet Nos 2-24 & 2-25
- 17 The main concerns are:
 - a. The long term damage and permanent injury from visual, landscape and acoustic impacts of HS2 on the AONB, and South Heath in particular as Volume 2 of the ES records (at para 2.3.22) "*Given that the landscape condition is good, the tranquillity is medium, and the character is of national value, the resulting sensitivity to change of the AONB is considered to be high*". . South Heath is not currently in a transport corridor (the A413 and Chiltern rail line are more than 1.5kms distant). The Zone of Theoretical visibility (ZTV) in the ES shows the huge impact HS2 will have, from east of South Heath to west across the Misbourne valley up to 2kms away.
 - b. Noise and light pollution emanating from trains speeding along cuttings and the noise boom on entering the green tunnel, disrupting the tranquillity experienced by residents both during the day and especially early in the morning and late at night. The green tunnel is too short to provide adequate protection to South Heath. However, although Marriotts Avenue is sufficiently distant that it will not be exposed to the worst effects of operational and construction noise, this noise will destroy the tranquillity of the neighbourhood, and the footpaths and lanes that access South Heath from Great Missenden and the A413.
 - c. Permanent change in character and loss of amenities - footpaths in the adjacent Sibleys Coppice lose their character and will be subject to ground-borne vibration; the footpaths from Great Missenden to Potter Row become exposed to excessive noise; the one passing through Jenkins Wood is diverted to follow the trace; the footpaths in the Hyde end area are diverted and exposed to excessive noise; and the footpath to Little Missenden is permanently closed. In the construction period they are either diverted or those through Sibleys Coppice (the nearest ancient Woodland), closed for 2 years. Of the 11 footpaths that currently cross the line in the area only 7 remain as footpaths. It will be difficult

to take exercise, walk dogs, use the roads for cycling, and enjoy the countryside, as while Ballinger Road and the roads and footpaths to the East are not directly affected, they will become heavily used, as resident and visitors shun the affected areas in favour of those not so directly affected.

- d. The permanent loss of the local ancient woodlands, hedgerows, natural habitats for wildlife, areas of green space, views and tranquil surroundings. The line will cause habitat severance. Land will be used as construction sites and for the erection of permanent buildings and an auto transformer substation to support the railway. Unsightly gantries, portals, cuttings, miles of metal security fencing (an eyesore as the few photo montages show (eg LV-01-040), the introduction of unnatural balancing ponds, and bunds will despoil the AONB.
- e. The creation of a permanent new 40 hectare land fill site within the AONB and nearby to South Heath at Hunts Green, with all the issues as to how the 2 million tonnes of spoil will be transported there, and the loss of this land for farming.
- f. The permanent and temporary loss of agricultural land to the South Heath area, as a result of the wide area of land-take required for the surface construction proposals, and to provide the proposed environmental mitigation.
- g. The loss of the amenity of the gymnasium on Frith Hill and pub/restaurant on the B485, both close by, that will be demolished to make way for HS2.
- h. Isolation of the village community from Great Missenden on which it depends during the construction period, when Frith Hill South Heath Leg (SHL) is shut for 18 months to 2 years.
- i. Loss of businesses to Great Missenden, on which South Heath (that has no facilities of its own) depends, as many will not be able to withstand the sustained period of construction works affecting the area that will cause loss of trade. Permanent damage will also occur to the viability of South Heath home based businesses, that will not be able to withstand the lengthy construction period.
- j. Extensive and damaging impacts from the construction traffic and construction works stretching over 7.75 years: traffic congestion, noise, dust and safety risks. Kings Lane, Potter Row and Ballinger Road are school bus routes. Equestrians, the elderly, cyclist and children will be particularly vulnerable to construction traffic.
- k. Emergency services being unable to provide a timely response due to road congestion, closures, and diversions during the years of construction works. While neither Marriotts Avenue nor Ballinger Road are construction routes, emergency vehicles will have to pass through the barrier of construction routes to reach them
- l. Anxiety and stress affecting your Petitioner's member's health and well-being from worry about property blight impacting on the value of their homes and their inability to sell them, both now, during the construction period, and thereafter due to the close proximity of the proposed line.
- m. Dust blown on the prevailing south-westerly winds from the construction spoil dumps (along the west side of the South Heath Green Tunnel) across the rest of South Heath and beyond. While the ES calls them "temporary" they will be there for many years. This will have health impacts, and affect the quality of life (usability of outside spaces, dust etc on exterior of homes).

- n. The ES was impenetrable and it was impossible to find out what some key impacts of HS2 would be. Common responses from HS2 Ltd are that the details are not yet worked out, or the answers are in the ES. The latter sometimes proves false. The ES is indigestible; hard to follow; lacks sufficient visualisations; relies on highly technical appendices that omits key information eg from where the railway is visible (the ZTV excludes gantries, the horizontal and vertical profile of the railway was omitted as the profile maps were not released for the ES, and the height of bunds remains undisclosed).
- o. Pylon works in South Heath that involves the temporary re-siting of the power lines, and then their permanent re-instatement.
- p. The potential acquisition of land and use for its development and regeneration (under clause 47 of the bill) which is unnecessary and will further increase blight. Your petitioner asks that they be removed from the Bill.

18 Your Petitioner requests that the following alteration be made to the Bill:

- That the AONB be protected from these effects by amending the Bill so the line passes throughout the AONB in a bored tunnel, as proposed by the Chiltern District Council or by extending the present Chiltern tunnel proposals by adopting the CRAG T2 proposals. The latter is referred to in the ES (CFA 9 Volume 2 para 2.6.8, page 40) and accepted as both feasible and environmentally preferable. Either of these options would substantially remove the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.
- If Parliament declines to require a bored Chiltern Tunnel throughout the AONB, which is the primary alteration to the Bill your Petitioner seeks, your Petitioner requests that the bored Chiltern tunnel is extended (as in the REPA proposal) at minimum to Leather Lane as referred to in the ES (CFA 9, Volume 2, para 2.6.18, page 41/42) but extended to Leather Lane¹ It is feasible in engineering terms and environmentally preferable and will address, most, but not all, of the concerns above. REPA contend that it is cost neutral and will not delay the project's completion.
- If even this is not granted by Parliament then numerous individual mitigations of the adverse impacts are necessary, all of which will cost time and money. Your Petitioner expands below on the individual adverse impacts that concern it and to which it objects, and the mitigation that would be required for each, if the bored tunnel proposals are rejected.
- Your Petitioner also requests that measures be taken and changes be made in the Bill and the Code of Construction Practice (or by obtaining binding undertakings from the Promoter) to address the various concerns of your Petitioner listed above.

Breakdown of mitigation required if your Petitioner's preferred tunnel solution is not adopted

¹ A Leather Lane end point was initially referred to in the Draft ES as option (d) CFA 9, Volume 2, para 2.6.5 page 28 and again in the ES (at para 2.6.5, option (d), page 39). Leather Lane is 400m further north than Liberty Lane, and REPA adopted this new Leather Lane end point for its proposal in April 2014 following receiving information from HS2 Ltd on its practicability.

- 19 Your Petitioner affirms that the 'green route' promoted by Chiltern District Council (amongst others) and the 'CRAG' bored tunnel option (outlined on pages 39 to 40 of Vol2, CFA9 of the Environmental Statement are the only acceptable approaches to mitigate the impact on residents and the AONB. However if full tunnelling under the AONB is not accepted by Parliament, the 'REPA' tunnel that extends the bored tunnel to Leather Lane addresses most of South Heath's local issues, but not those in the AONB north of Leather Lane. If none of these three options for more extensive bored tunnelling is accepted, then all the numerous individual items of mitigation will be required, as set out below.
- 20 Your Petitioner requests that provision is made for:

Addressing permanent issues

- a. The cuttings adjacent to each end of the South Heath Green Tunnel should be made deeper, and return to the levels originally proposed by the 2011 consultation, with continuous full height (5m) high specification sound barriers (both sides of the line to protect residents and footpaths) immediately adjacent to the track to reduce noise, and with bunds to conceal the line and the gantries where appropriate. Furthermore the South Heath Green Tunnel should be extended to provide better protection to residents and the footpaths out of Great Missenden to Potter Row, and to Hyde End.
- b. HS2 Ltd should adopt standards of noise exposure that in all cases meet World Health Organisation guidelines, but are set at a quieter level to maintain the tranquillity of the AONB. Exposure limits should apply to all properties and their gardens, and to footpaths, (with no rights of way routed alongside the railway, as is currently planned). Noise should be reduced to the lowest practicable level to minimise its impact on the AONB, its residents and visitors. In the absence of a bored tunnel it is not clear how ground-borne vibration and noise from the green tunnel can be remedied for footpath users in Sibleys Coppice.
- c. That HS2 is placed in fully retained cuttings to reduce land take of gardens, ancient woodland and farmland. While no land is taken from your Petitioner's members, the enjoyment of the surrounding area is affected by such a wide land-take, and in so blighting the area impacts on the value of your Petitioner's member's properties.
- d. That the power for the contractor to raise the line by up to 3 metres is removed for the AONB section of the line, especially for the cuttings either side of the South Heath green tunnel where the line has already been raised from the alignment originally proposed.
- e. That provision is made for constructing green bridges across the line where they are established rights of way, in order to retain trees and shrubs and permit wild life access. This affects footpaths to the north and south of the green tunnel.
- f. Compensatory planting commence at the earliest opportunity. Mature trees (able to grow to at least forty feet high) should be planted over the South Heath green tunnel to emulate the previous character, and for screening new building eg portal buildings and autotransformer. Funding for maintaining the planting should be provided in perpetuity. Where planting is compensatory for loss of ancient woodland it should adopt the 30:1 ratio supported by the Woodland Trust and not

4:1 as currently proposed

- g. That the speed of the trains be reduced to 185mph as per the recommendation of the House of Commons Environmental Audit Select Committee Report - but permanently - in order to help reduce the environmental impact to your Petitioner's members and the AONB.
- h. That the line of route be reconsidered to exploit the greater curvature possible with a 185 mph ie 300km/hr maximum line speed, compared to the current 400k/hr. This should then allow the routing to be within existing transport corridors (rather than more than 1.5kms distant from the nearest "A" road).
- i. That arrangements be made for the spoil to be removed from the area by rail or pipeline. Your Petitioner points out that, if any one of the three tunnel proposals your Petitioner has raised are adopted, then the amount of spoil generated in the AONB will be very substantially reduced and there would be no requirement for a land fill site at Hunts Green.
- j. That in relation to the balancing ponds and other water management measures, that alternative techniques are considered in consultation with the local authority, and that if necessary waste water is tanked and then removed for sustainable disposal
- k. That property blight (when the railway is operational) is compensated by extending the compensation available under the Land Compensation Act 1973 to cover all losses not just those relating to nuisance. The blight in the construction period (and in the 17 years from 2010 until one year after operations in 2027) is discussed in para 19 below
- l. That all ancillary structures (eg transformer stations, portal buildings) be of such a design to blend into the environment and be suitably screened from residents, visitors and walkers. Security fencing should be sympathetically designed to blend-into the landscape.
- m. That the pylons are removed and the power lines are reinstated underground, (as proposed for other parts of the line) rather than moved and then re-instated on the surface, as proposed
- n. That a Community Fund be established to pay for creating local facilities (replacing those lost) and financial support be available to maintain and re-establish retailing and other services in Great Missenden.

Addressing construction issues

- 21 Your Petitioner requests that the Nominated Undertaker be required to mitigate the construction issues, by giving the Code of Construction Practice legal effect, with independent assessment of compliance and punitive sanctions for breach. The Code should specify the need for all work, facilities and construction, to be to the best available standards and techniques, so that the highest technically achievable levels of environmental protection are implemented for the construction and operation of

HS2. Mitigations should include:-

- a. Properties in the South Heath area, including your petitioners members, are significantly blighted from the prospect of HS2, and this is likely to worsen when construction is underway. To address this:
 - i. The proposed 'need to sell' scheme should be amended to cover anyone wishing to sell their property if it is blighted - irrespective of financial status; or
 - ii. Alternatively, the property bond as proposed by HS2 Action Alliance should be implemented;
 - iii. All those remaining who suffer the impacts of construction should be compensated.
- b. Construction noise and vibration – including that from construction traffic which will affect Kings Lane (as reported in the ES) – lasts for years in total and so it should not be allowed higher noise limits than for HS2's operation. Noise exposure should be monitored and enforced by the Local Authority who should have powers to stop work if limits are exceeded.
- c. Constructing new temporary roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB to be used by construction traffic eg Potter Row, Kings Lane, Hyde Heath Road, Hyde Lane and Frith Hill (South Heath Leg). In addition:
 - i. Prohibiting HGV movements outside the period 09:30 – 15:30 throughout this section of the AONB (eg on the A413 and B485).
 - ii. Prohibiting HGV movements along school routes between 15:00 and 15:30.
 - iii. Excess spoil that is removed along the trace to not interfere with the traffic on public roads that bisect the trace (that are themselves currently specified as construction routes eg the B485, Frith Hill (South Heath Leg)) by using traffic management, but have a grade separated junction (to either have construction traffic go over or under the road).
 - iv. Constructing a temporary bridge for Frith Hill (South Heath Leg) to avoid its lengthy planned closure and isolating your petitioners members who use this route daily
- d. Prohibiting any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
- e. Operating a 'Park and Ride' scheme to transport construction workers along the trace, and supporting this by not providing parking for contractors at the construction compounds.
- f. Dust exposure limits to be specified, monitored and enforced by local authorities (funded by the promoter), with powers to stop works if exceeded. Special attention to be paid to the spoil heaps and impacts of westerly winds effecting South Heath
- g. That contractors in the AONB 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

- h. The Nominated Undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads are returned to their original size and character, and all damage repaired.
- i. That the Promoter provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.
- j. A hotline should be set up allowing road users to report any damage to the road, their property, or other related matters, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.

Conclusion

- 22 The points made above are in relation to the Bill as published for 2nd Reading and are without prejudice to your Petitioner's right to petition further and separately in relation to any additional provisions introduced to that Bill in future. Further your Petitioner has had great difficulty understanding the Bill, including its Schedules, alongside the Deposited Plans and Sections and the ES, which is deficient and in error in various ways. Your Petitioner is concerned that it may have missed a material point that it would wish to address the Select Committee on. Your Petitioner also wishes the ES to be corrected and then be permitted to raise further issues of concern on those matters which are corrected, or on which additional information is provided, eg road congestion, visual intrusiveness, waste management and noise. The points made above are without prejudice to any such further points.
- 23 Your Petitioner supports the petitions for a longer bored Chiltern Tunnel that extends throughout the AONB. Such tunnels are being petitioned by the Chiltern District Council, Chiltern Ridges Action Group (CRAG). If neither is accepted by Parliament your Petitioner supports the extended tunnel proposed by the Residents' Environmental Protection Association (REPA). The CRAG and REPA tunnels are described in the ES Volume 2 CFA9 at pages 39-42 (albeit that the REPA proposal is now slightly extended to Leather Lane.
- 24 If Parliament agrees a fully bored tunnel throughout the AONB then this addresses your Petitioner's concerns with the exception of those concerning unsuitable ancillary structures (eg vents) and effective compensation (albeit that far fewer people would be affected). If Parliament only agree the extended bored tunnel (proposed by REPA) additional mitigations will be required north of the new north portal at Leather Lane.
- 25 For the foregoing and connected reasons your Petitioner respectfully submits that unless the Bill is amended as proposed above, so far affecting your Petitioner's members, should not be allowed to pass into Law

26 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner's members, their rights, interests and property, and your Petitioner's area, and for which no adequate provision is made to protect them.

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 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 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.

Signed by:

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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF

AGAINST, By Counsel, &c.