

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 PHILIP JOHN ANTHONY ROBERTSON

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 the joint freehold owner of The Warren, Potter Row, Great Missenden, Buckinghamshire, HP16 9LT. The Warren is a detached property, built around 1890 and has been your Petitioner's family home since 2002 and is frequently visited by your Petitioner's three children.
- 8 Your Petitioner's property is located within a distance of 300 metres to the proposed railway works, which run parallel to Potter Row for the section between South Heath and Wendover (Construction Maps CT-05-033, CT-05-034b and CT-05-035).
- 9 Your Petitioner uses Potter Row, Kings Lane, Rocky Lane, Frith Hill and Leather Lane to access local services, including the railway, shops and health services, as well as for gaining access to the A413 and beyond. Your Petitioner also regularly uses footpath GM1/12/1 to access Great Missenden and for dog walking. Temporary closure of this footpath and regular closure of these roads and their use by construction vehicles during the period of construction of the works authorised by the Bill will result in your Petitioner being isolated from these services, unable to use footpaths recreationally or as an alternative form of travel in periods of heavy snow and in delays which will increase the time and cost taken for your Petitioner to access these local services.
- 10 Your Petitioner is a regular user of Potter Row for cycling, dog walking and general recreational purposes. Potter Row is a narrow and quiet country lane, designated as a sign posted Cycle Route, popular with cyclists, horse riders and walkers and benefits from low levels of motorised traffic. Potter Row has no pavements or street lighting and serves as mainly light vehicle access for cars, local deliveries, postal services, refuse collection and emergency services to residential properties and agricultural vehicle access to working farmland. Your Petitioner is gravely concerned about impeded/delayed access for emergency service vehicles and with the increased risk of injury or fatality to the Petitioner, the Petitioner's family and their pets that the use of Potter Row as a designated route for construction vehicles presents.
- 11 Your Petitioner has lived in the Chilterns Area of Outstanding Natural Beauty (AONB) for over 12 years and was attracted to the area by the fine

landscape, peaceful surroundings, exceptional air quality, minimal light pollution and the excellent opportunities afforded for a wide range of recreation, including walking, cycling and horse riding. The proposed construction works to the south of Potter Row, the proposal that Potter Row is a designated route for spoil transfer and the proposed use of land below Hunts Green for placement of spoil will result in your Petitioner losing a vital and previously protected recreational facility, intolerable noise, vibration and dust such that there is increased risk to health and sleep deprivation. The culmination of this unimaginable intrusion will be that enjoyment of your Petitioner's house & garden becomes untenable and substantial property value loss (blight).

- 12 Your Petitioner believes that the influx of temporary construction workers, residing in the construction compound on the junction of Frith Hill and Kings Lane will expose the Petitioner, the Petitioner's family and the Petitioner's property to an increased risk of crime and injury.
- 13 Your Petitioner currently enjoys the extensive benefits and quality of life from owning a property and residing within the ANOB. Your Petitioner, residing within a distance of 300 metres of the proposed railway line, post proposed construction, will be exposed to unacceptable and harmful levels of noise as the Proposer has not made adequate arrangements to prevent exposure to night time peak noise, which the Bill as drafted allows to be above the level that the World Health Organisation has identified at which adverse health and wellbeing effects are observed. Your Petitioner will be adversely affected by permanent night time light pollution, irrecoverable scarring and damage to views and woodlands and substantial property value loss. Your Petitioner will also suffer loss of amenity from the permanent closure of footpaths currently used for recreational purposes and to access amenities in Great Missenden.
- 14 Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 15 **Injurious effects of the Bill**
- 16.1 **The Chilterns AONB & Potter Row**

Between Mantles Wood and Wendover, the Proposed Route is on the surface and includes sections in shallow cuttings, on two viaducts, on embankments and in two green tunnels. 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 lead it to be visited over 50 million times a year by visitors and tourists

from throughout the UK and overseas, will 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, and permanently and seriously reduce the ability of residents to enjoy the natural benefits of the area in which they live. It has been estimated that the Landscape 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. All of the above will be magnified in the area of Potter Row, being adjacent to and in close proximity of the proposed railway. Several properties, which are close to land/buildings that are subject to compulsory purchase, will suffer the severe adverse effects of high speed train noise, light pollution and landscape destruction without financial compensation for the substantial blight and loss of property value.

Your Petitioner requests the following mitigating measures:

- A Impose enforceable noise limits that preserve tranquillity of the area and modify operating regime and speed of trains in order to comply with statutory noise limits during daytime and night time operation.
- B The cuttings adjacent to 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 to both sides of the line 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 in operation to Potter Row and South Heath and the footpaths out of great Missenden to Potter Row.
- C That the power for the contractor to raise the line by up to 3 metres is excluded for the AONB section of the line.
- D That compensatory planting commence at the earliest opportunity and with the use of mature trees able to grow to at least forty feet high, in order to conceal the line from view at the earliest possible time, with funding for their maintenance in perpetuity. Where this replaces ancient woodland it should adopt the 30:1 ratio supported by the Woodland Trust and not 4:1 as currently proposed.
- E HS2 Ltd be directed to extend the bored tunnel between Mantles Wood and Nr Leather Lane in line with the proposed 'REPA Tunnel' referred to in Vol 2 2.6.18 CFA 9. (South Heath Chilterns Tunnel Extension <http://www.repahs2.org.uk>). This is environmentally superior to and costs no more than the Proposer's scheme.
- F Preferably all of the AONB should be protected from these effects by ensuring that the line passes through the AONB in a bored tunnel, either as proposed by Chiltern District Council (High Speed Rail in the Chilterns: Feasibility Study of Alternative Tunnelling Options. Peter Brett with OTB Engineering Ltd and Beazley Sharpe (Railwise) Ltd. April 2014) or as proposed by the CRAG T2 Tunnel (<http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%2>

0Chilterns%20Tunnel%20Extension%20Dec%202013.pdf), which has 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 above.

- G Property blight is compensated by extending the HS2 voluntary purchase scheme and amending the "need to sell" scheme so that having sufficient financial resources should not disqualify an applicant who otherwise has a reason to move. The South heath area including Potter Row should be recognised as a community suffering blight.

16.2 Construction Traffic

Your Petitioner is gravely concerned that Potter Row has been designated as a route for construction traffic travelling to and from the proposed railway line giving access to the proposed bridges along the south side of Potter Row and a proposed spoil dump, "sustainable placement", at Hunts Green for the placement of an estimated 850,000 cu m of spoil. Your Petitioner is equally concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic throughout the section of the proposed line which is in the AONB and in the Misbourne Valley in particular. Your Petitioner regularly drives through the AONB to access shops, railway stations, health services and recreational facilities, and so will be directly impacted by traffic congestion throughout the area for the duration of the construction works. Your Petitioner regularly uses the network of lanes in the AONB which cross the proposed line for recreation and regards these as a characteristic feature of the area, which should be protected in accordance with the CROW Act. As a resident of an area immediately adjacent to the construction zone, your Petitioner is also concerned that traffic seeking to avoid congestion in the construction area will place a further burden on the narrow lanes in this community.

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

- A Restrict HGV movements to the period 09:30 – 15:30 throughout the AONB.
- B Construct new temporary roads to access the trace directly from the A413, and prohibit the use of all existing minor roads and Potter Row in particular in the AONB by construction traffic.
- C Prohibit any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
- D Specify that the contractors will be required to construct the railway to ensure that during construction and operation of the line, noise, dust and vibration is minimised, contained and monitored and that air quality is maintained.

- E Operate a 'Park and Ride' scheme to transport construction workers along the Trace, and enforce this by not providing parking for contractors at the construction compounds.
- F Construct such facilities as may be necessary to remove spoil from the AONB by rail.
- G Specify that contractors in the AONB will 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 During construction, the nominated undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads must be returned to their original size and character, and all damage repaired by the nominated undertaker.
- I That the Promotor provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.

16.3 **Chilterns Hilltop Lanes**

Your Petitioner is specifically concerned about the impact of construction vehicles using Potter Row, Kings Lane, Leather Lane, Frith Hill and Rocky Lane. Construction vehicles using these lanes will affect your Petitioner directly due to increased delays, noise, vibration, dust and visual impacts. These lanes have not been designed or built to standards sufficient for such heavy vehicle loads and will place an extreme burden, with subsequent extensive damage, to these lanes and many older properties which immediately abound these lanes. The quantity and movement of construction traffic along Potter Row alone is estimated at 64 HGV movements and 460 LGV movements per day.

Your Petitioner requests that construction vehicles avoid these routes at all times, due to the unsuitability of lanes for the quantity and size of such vehicles. Your Petitioner requests that the nominated undertaker uses alternative access during construction, if necessary building new separate access from the A41 and uses the trace as far as possible.

16.4 **Waste/Sustainable placement**

Your Petitioner objects to the use of "sustainable placement" in the AONB. Your Petitioner lives in the Parish of The Lee, where sustainable placement is planned near Hunts Green Farm. Sustainable placement in this area will have negative visual impacts, cause extreme and unhealthy airborne pollution from construction and chalk dust and will change the character of the area.

Your Petitioner requests that excess excavated material is removed from the source by rail, and is disposed of accordingly. BCC have suggested numerous sites where this material could be deposited, yet HS2 Ltd has failed to acknowledge these. Further work is required to produce an acceptable plan for surplus excavated material, and this should be done in consultation with

the local planning authority.

16.5 Damage and disruption in the Mantles Wood/South Heath area

Your Petitioner is concerned particularly about the cumulative effect of environmental damage and disruption in the area between Mantles Wood and Leather Lane. The destruction of ancient woodlands, the loss of farmland and landscape, and the temporary diversion and permanent re-routing of traffic all add up to a severe impact on this area of the Chilterns AONB. Your Petitioner observes that the greatest disruption to traffic will also 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 be implemented, particularly since this has acknowledged environmental benefits at no additional cost.

Your Petitioner requests that HS2 Ltd be directed to extend the bored tunnel between Mantles Wood and Nr Leather Lane in line with the proposed 'REPA Tunnel' referred to in Vol 2 2.6.18 CFA 9. (South Heath Chilterns Tunnel Extension <http://www.repahs2.org.uk>). This is environmentally superior to and costs no more than the Proposer's scheme.

16.6 Objection in principle

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 objections. 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 expenditure on existing infrastructure (flood defences, for example). Your Petitioner instead supports the alternative solution to HS2 produced by 51m. This alternative 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.

Your Petitioner doubts that the current route through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now apparent in constructing a line through this area would have been made apparent.

17 The Bill seeks powers to exploit any development opportunities that arise from land compulsorily purchased and which subsequently becomes surplus to operational requirements. Your Petitioner considers it essential for the protection of the ANOB and therefore seeks assurance that such development is fully compliant with the local authority's planning policies as currently exist for the Chilterns AONB and these policies are not relaxed in any way due to the presence of the proposed HS2.

18 The list of grievances above 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 considered.

- 19 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, interests and property 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.

AND your Petitioners will ever pray, &c.

Signature of Petitioner in person

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BILL

PETITION OF PHILIP J. A. ROBERTSON

AGAINST, By Counsel, &c.

