

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – [By Counsel], &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of CTC South Bucks

SHEWETH as follows:-

1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”

2 The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, Mr Robert Goodwill.

3 Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.

4 Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.

5 Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.

6 The works proposed to be authorised by the Bill (“the Authorised Works”) are specified in clauses 1 and 2 of Schedule 1 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.

7 Objection is taken to the works to be undertaken within the Chilterns Area of Outstanding Natural Beauty, and in particular to **works 2.13 to 2.27** (listed in Schedule 1 of the bill) in the parishes of Little Missenden, Great Missenden, Chartridge and The Lee, and to the clauses of the bill which would authorise these works.

8 Your Petitioners reside within the Chilterns Area of Outstanding Natural Beauty

9 Your Petitioners and their rights and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Objections in General

10 Your petitioners doubts that the current route through the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as “the AONB”), would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties and dangers the line will present to cyclists in constructing a line through this area would have been made apparent.

Rights and Reservations

11 As residents and cyclists in living in the AONB your petitioners have identified several specific grievances which are set out below. This list is by no means exhaustive, and due to the inadequacy of the Environmental Statement prepared by HS2 and the fact at the time of preparation they had only surveyed 48% of the route, it is inevitable that the construction of HS2 will disrupt cycling in the AONB in ways which have not yet been considered. Your petitioners respectfully request to be allowed to interrogate and present further petitions when the final survey information is presented.

General

12 Your petitioners consider that the only mitigation appropriate is a full length tunnel throughout the Chilterns as proposed by way of mitigation by Chiltern District Council and Buckinghamshire County Council, henceforth known as the Green Route. We also consider the CRAG2 full length tunnel could also alleviate the risks and dangers to cyclists, albeit we believe this route (not design) could present other safety risks. If for other considerations neither of these tunnels is accepted, we consider the REPA tunnel will alleviate a proportion of the risks to cyclists in the area and its removal of spoil transport and work camps at key road interchanges would be beneficial for cyclists.

13 When using the term HS2 Ltd, we use this in relation to any and all persons promoting or undertaking the line and hold them jointly and severally liable with regard to statements made or given to justify the scheme. Furthermore, in seeking remedy from their impact, we ask that the remedy applied to HS2 Ltd should also apply to any promoter, designer, constructor or undertaker involved with the scheme on a joint and several basis. Your petitioners petition with objections to the bill and seek remedies with regard to the following.

14 Your petitioner's request that the Hybrid Bill be compelled to fully comply with the EU Directives and Human Rights Act, specifically on consultation and impact, as set out in the core aims of the Bill. Consultation is the opportunity to shape outcomes and minimise impact for those affected via formal discussion. Your petitioners contend this was not afforded to cyclists in the AONB as the draft Environmental Statement presentations did not contain any information relevant to cycling or cycle safety. Equally such presentations of the draft had taken place before SO27a was passed by Parliament and therefore the change of law meant that cyclists would not be given any opportunity to formally consult on issues of safety and road related matters. To seek remedy that the Final Environmental Statement Consultation is undertaken together with road shows as per draft Environmental Statement road shows which informs all cyclists in the AONB of the safety related dangers of constructing in this area and the mitigation that is proposed by HS2 to alleviate these dangers.

15 Your petitioners contend that the board of HS2 Ltd had duties under the High Speed Rail (Preparation Act) 2013 and did not discharge these duties correctly. HS2 Ltd being the entity charged with promoting and producing the supporting documents for the Final Environmental Statement and therefore undertaking and assisting passage of the Hybrid Bill, knowingly and with specific bias towards cyclists in the AONB have created disproportionate impact. Statute requires the promoter, as a condition of obtaining statutory immunity from action, should carry out the work and conduct the operation impartially with all reasonable regard and care for the interests of others. The promoter therefore must not cause to be suffered any unassessed or ignored damage greater than that suffered by members of the public in general or visit in anyway any evidence of specific bias when producing the Final Environmental Statement documents. There is evidence from the ES that HS2 Ltd consider cycling in detail at both Birmingham and London but has ignored it with regards to cycling in the AONB. We ask that HS2 Ltd be compelled to undertake a thorough impact assessment on cyclists, such assessment designed to quantify the dangers associated with constructing the line so far from a major road transport corridor.

16 Your petitioners wish to introduce evidence and witness testimony that HS2 Ltd were informed that the Draft Environmental Statement ignored the AONB's contribution to the government's sustainable tourism and health agendas. A key function of the AONB is to provide opportunities for recreation and enjoyment within the countryside. Cycling is a major part of this agenda both from a Health and Tourism perspective. HS2 Ltd has not considered Tourism impacts of loss of cycling in the AONB. While they inform us they have produced Health and Equality statements, it is not mandatory and therefore is not part of the Final ES. Economic losses on Tourism have therefore been wilfully disregarded as has the impact on Human Health, the effects of which have not been considered. Many of the cycling routes throughout the Chilterns will become dangerous and will simply be avoided by the 1000's of cyclists who come here to train every year in Chilterns rolling hills. We ask that HS2 Ltd are placed under a positive obligation to use their best endeavours to minimise impact on cycling in the AONB. Such endeavours should include dedicated websites providing information on routes under construction and single track roads to avoid which will be impacted together with detailed diversion route maps provided at every rail station along the AONB route to inform cyclists who are touring the area the locations to avoid and suggested alternative rides.

17 Your petitioners note that the AONB is one of the furthest routes from a major transport corridor such as a Motorway. The precedent of the use of such a major corridor and the benefits this brings was clearly established during the development of High Speed 1. Many cyclists choose to cycle the old narrow roads with high sided verge hedges that are almost unique to the Chilterns. Many of these roads have not been assessed by HS2 Ltd, yet they will be impacted by increased use by motorised vehicles seeking to avoid work camps and impacted roads. This presents the most unique and dangerous set of conditions for pedestrians and cyclists and the options for escape for cyclists seeking to avoid fast moving vehicles is uniquely limited due to the high sided verges. We ask that HS2 Ltd produce a methodology that will address how they intend to mitigate for such dangers that are of extreme safety concern for cyclists using these routes. We ask that their Board are held fully liable for any cycle/car collision on any single track route which experiences an increase in traffic during construction of the scheme if such a route has not been assessed.

18 Your petitioners wish to bring to your attention that the roads are heavily pot holed within the Chilterns and construction traffic will greatly exacerbate this issue. We ask that all roads to be used by construction traffic are re-laid before and after construction to ensure smooth road surfaces that do not present extra dangers to cyclists.

19 Your petitioners record another significant safety matter with regards to the use of the B485/Frith Hill for construction by 35T trucks. These roads are very steep and heavy vehicles slip backwards on these routes during inclement weather (snow, ice, leaves, mud, rain). We ask that these routes are avoided at weekends or during rush hour to ensure no cyclist is placed at risk by out of control heavy vehicles.

20 Your petitioners wish to record that bridges are required in the AONB where the route passes over or under a feature such as a PRoW, road, river or other railway. The heights of these bridges are determined by the route alignment, the topography and the feature being crossed. We ask that the heights of over bridges must be considered in greater detail than currently proposed, they will lead to more severe gradients than already exists and such gradients during winter weather would exacerbate safety risks to cyclists on these routes. We ask that HS2 Ltd are placed under a positive obligation with very best endeavours to ensure all roads and structures do not exacerbate the existing gradients of single track roads in this area, that surfaces are smooth with appropriate grip and no plainings or flints that puncture tyres. For the avoidance of doubt, the specification for roads appropriate to urban cycling and that which is appropriate in the AONB is entirely different and the cycling organisations within the AONB should be consulted and allowed to decide on the appropriate surface.

21 Your petitioners note HS2 Ltd has taken account of best practice guidance published by DfT and TfL. We feel however the document has been negligent in this regard given it has not taken account of best practice from TfL as regards Crossrail and cyclists. Your petitioners have made clear to HS2 Ltd that their decision to run the line so far removed from a major transport corridor will lead to significantly enhanced safety issues for non motorised road users in a rural area with narrow roads that do not meet standard, have neither pavements nor streetlights. Specifically, there has been evidence of death caused by Crossrail Lorries interacting with cyclists in London and TfL produced guidance on this subject which the board of HS2 Ltd have wilfully ignored. Furthermore, it is an inescapable fact that HS2 Ltd have provided no study or assessment of the impact on cyclists within CF9 which is a major road racing area for cycling including the annual Chiltern 100 which is a nationally recognised event. Many teams train within the AONB hills and the dangers to them when using the narrow side lanes will be significantly increased by traffic escaping the congestion around the HS2 construction sites. Your petitioners consider this to be extremely negligent. We ask that a full bore tunnel throughout the AONB is the minimal required protecting non motorised users during construction. If such a tunnel is not provided, we request that HS2 Ltd adopt the most recent guidance from TfL regarding cyclists and ask that 35T HGV are prevented from travelling any road which is substandard, without pavement or streetlight or does not comply with design manual for roads, to ensure the safety of cyclists.

22 Your petitioners ask that the framework travel plan for this area is subject to consultation and approval by community representatives and HS2 Ltd be placed under a best endeavours obligation to ensure they achieve excellence in the framework. Such excellence would include improving cycle lanes to and from train stations; ensuring appropriate cycle provision is available at each station along the route together with cycle provision at each work site both temporary and permanent.

23 Your petitioner's record that realignment of a number of PRow will be required. We comment generally that the entire approach to Footpaths and Bridleways has been to treat them as singular and fulfilling the same purpose. A bridleway is for mounted users, be it horse but also cycles. A footpath is exactly what it says, a path for those on foot. It is not used by horse riders but equally it should not be used by cyclists. It is inescapable that HS2 Ltd believes footpaths perform this function and therefore is one of the defining reasons why their approach to PRow diversion is flawed. We ask that the entire approach on PRow requires to be looked at again adopting the independent expert advice by the local societies that protect and maintain these routes to ensure clear distinction is made and adequate and appropriate mitigation for temporary or permanent disruption is obtained.

24 Your petitioners strongly object to the sustainable placement of inert surplus excavated material within the AONB. The necessity for the sustainable placement area is a consequence of selecting a route furthest from the motorway network making the removal of excavated material in the AONB extremely difficult, costly and unsafe to other road users particularly cyclists who will have to pass alongside 35T vehicles using the country lanes to the sustainable placement sites. We therefore ask that no 35T vehicle be allowed to use any road that is currently used by cyclists unless this road is the A413. All material can be taken along haul routes and we ask that HS2 Ltd be placed under a positive obligation with best endeavours to do so and therefore minimise the safety risks to cyclists.

25 Your petitioners are very concerned at the propensity of linear transport infrastructure to harbour and spread noxious weeds. We state that Japanese Knotweed is a very dangerous invasive species which has not been spread to the AONB as yet. This is a very serious matter and HS2 Ltd bringing such a dangerous and invasive species into the AONB is a matter for strong concern. Knotweed was originally spread via Rail from the West and the AONB has escaped contamination because to date there is no pathology to spread as the Chiltern line is self contained and does not connect with western rail services. HS2 however will share Depots with Western Services and therefore the risk of introducing this contaminant would be very high. This is surely a material consideration as regards the design of HS2 and the Government must be obligated to take full responsibility for the cost now or at anytime in the future for the impact on it breaking up any road in the AONB.

26 Your petitioners believe that HS2 Ltd have presented factually incorrect information with regards to construction dust emissions undertaken using the methodology produced by the Institute of Air Quality Management (IAQM). Clay soil combined with high prevailing winds in this part of the Chiltern Ridges means that impact of dust on cyclists will be far more significant and HS2 Ltd have ignored these factors. Furthermore, we state that their assessment omits leisure users from the list of receptors. Dust and other contaminates from the construction process will be felt particularly acutely by cyclists. We ask that HS2 Ltd be placed under a positive obligation to ensure they undertake their best endeavours to mitigate this dust with monthly inspections of Air Quality downwind from the site. Should the Air Quality rise to unacceptable levels as regards Dust, then HS2 Ltd must be asked to stop the storage of excavated materials on site and compelled to move them down the trace to their long term storage area away from the AONB.

27 Your petitioner's note that based on experience, HS2 Ltd estimate 40-60% of workers will commute locally. This makes a significant case for improving local cycling facilities in this area and we ask that HS2 are placed under a positive obligation with best endeavours to do so.

28 Your petitioners record that the affected traffic junctions in CF9 are forecast by HS2 Ltd to be close to their theoretical capacity of 85% during construction of the Proposed Scheme. As a result, HS2 Ltd stated that they are not considered to warrant individual assessment and have therefore not been assessed with junction assessment software. We dispute this conclusion as, for example, there has been no practical assessment of the effect of laden HGVs trying to enter the B485 from Hyde Heath Road during peak and the difficulties this junction presents to road users if HGVs are introduced. Frith Hill and the B485/A413 junction are significantly at capacity during peak and it is not uncommon for traffic to back up to the peak of the Hill and certainly passed the Frith Hill/B485 junction. We cite evidence presented by Chesham Society and record the fact that HS2 have presented misleading information. A simple site visit any morning during the peak will confirm accurately that the A485/A413 junction is already operating above capacity and is becoming increasingly more dangerous to use and therefore we request that all of the junctions in the AONB are independently assessed with junction software and the results are presented to the committee for further scrutiny. If any junction is found to be operating above capacity or if as a result of the work, traffic migrate to single track routes, we ask that the committee place a positive obligation on HS2 Ltd with best endeavours to remedy the impact with junction improvements, provide their best endeavours to mitigate the safety aspects on single track routes affected by any spill over and provide compensation for any cyclists injured on a single track route which experiences increased traffic.

29 Your petitioners note that HS2 Ltd have adopted 'Creating Growth, Cutting Carbon', published by the DFT in 2011 which promotes the greater prioritisation of walking, cycling and public transport for short local journeys, including travel to and from stations. We ask that HS2 Ltd are placed under a positive obligation to meet this requirement in the AONB area by ensuring a minimum number of workers per week walk/cycle to work camps from Amersham or Great Missenden Station. Special bus services are funded from the stations to work camps. Provision for cyclists is made at stations and work camps. Records are kept and maintained to ensure compliance and subject to public scrutiny with commensurate fines payable to local community cycling organisations if the targets are not met. The case to build HS2 in the AONB comes with promises of low carbon, low impact on community, low impact on roads and transport. This simply makes good on the assumptions that HS2 Ltd have claimed and set out in their report and if they fail to make good on such promises they will impact on community organisations who should be compensated as a consequence.

30 Your petitioners note that local transport is evolving and changing around all of the station sites at present, with rapid growth of cycling in Birmingham City centre, Central and West London and the growth and redevelopment around Birmingham Airport and NEC and in former industrial sites adjacent to Curzon Street in East Birmingham. We wish to enquire why Cycling is given particular reference with regard to Birmingham (an Urban City Area) yet no regard has been had for cycling in the rural area in the Transport Assessments? We ask that HS2 Ltd be compelled to undertake appropriate road cycling study and assess how the scheme will impact road cycling in the rural area to ensure objective assessment is made reflecting the work they have undertaken on cycling in the urban area. Your petitioners wish to reserve rights to raise further petition points following scrutiny of the work should impacts be assessed.

31 Your petitioner's record the statement of HS2 Ltd that transport generally to/from Hyde End and traffic disruption to Chesham Road will be a major impact on the community. This is a primary route for residents for shopping/employment and other services including schools. Diversions will add considerably to length of journeys and to their costs. We therefore ask that given such an acknowledgment by HS2 Ltd, they be placed under a positive obligation to compensate anyone who suffers a loss as a consequence of the additional journey distance, specifically fuel cost and extra mileage. Namely 40p per mile for cars and 20p per mile for bikes as approved by HMRC. This is easily assessed and HS2 Ltd should set up a local claims office to process payments which will provide temporary employment during construction and therefore deliver local benefits.

32 Your petitioners request that they be granted permission to raise at committee any point raised by any other Cycling Organisation affected along the route if such point is applicable. We ask that we receive the same remedy granted to other Cycling Organisations to alleviate impacts and mitigate the safety risks and in doing so bring benefit and/or sustainability to Cycling in the AONB as HS2 Ltd have promised.

33 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioners should not be allowed to pass into law.

34 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 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.

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G. W. THACKRAY

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PETITION OF CTC South Bucks

AGAINST, By Counsel, &c.

Name of Agent for the Petitioners: Andrew J Cordiner

Address:

Post code:

Telephone:

Mobile: 0
