

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 Brenda Gover  
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") is specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which is described in Schedule 1 to the Bill and other works, which is described in clause 2 of the Bill.

### **Your Petitioner**

- 7 Your Petitioner is Brenda Gover owner of Little Blackfield, Blackfield Lane, Ballinger Common, Great Missenden, Buckinghamshire HP16 9LL, who will be directly and specially affected, both during construction and after completion, by the proposed HS2 line. Your Petitioner lives in that part of the Chilterns Area of Outstanding Natural Beauty (AONB) which will be directly and adversely affected.
- 8 Your Petitioner's rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing. An extension to the Chiltern fully bored tunnel throughout the whole of the AONB would alleviate most if not all of these effects and concerns and would have considerably less impact on the AONB.
- 9 Your Petitioner's property enjoys a tranquil setting, within the AONB, where there is very little noise pollution and insignificant light pollution. The tranquillity of this part of the Chilterns is a special feature and was one of the attractions which appealed to your Petitioner when moving to the area some thirty six years ago. This ambience will be deeply affected during the years of construction and fitting out phases and once the railway authorised by the Bill is operational.

### **Your Petitioner's Concerns**

- 10 Your Petitioner is very concerned about the long term damage and disruption of the AONB during the construction of works authorised by the Bill and the operation of the line. The AONB is a designated area 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.
- 11 Your Petitioner therefore cannot understand on what basis the Department for Transport and the Promoter of the Bill considers that the statutory and other obligations to protect the AONB can be ignored. It is difficult to imagine that the proposed surface route of the line for this area meets the requirements to protect and preserve the tranquillity of the area and the beauty of its landscapes.
- 12 Your Petitioner is gravely concerned about the disruptions to her household which will result from the construction of the line. The noise, hours of work, traffic movements, access problems and other implications which will no doubt surface during this period. These affects are classed as 'temporary' by HS2 Ltd but the predicted construction period for this section of the line is up to eight years.

- 13 Your Petitioner is concerned about the disruption of access from Ballinger to Great Missenden, with further disruption to journeys along the A413 to Amersham and Aylesbury and along the B485 to Chesham. Your Petitioner uses the road to Great Missenden and Wendover, via Frith Hill, for shopping, recreation, medical services and to access the Chiltern Railway, as well as to gain access to the A413, for London and all other areas. The Promoter (HS2 Ltd) itself acknowledges that, even with its already-proposed mitigation, traffic will suffer significant changes in delays and congestion at junctions on Frith Hill, Kings Lane and Potter Row and that there will be major adverse and moderate adverse effects on traffic from the closure of Frith Hill.
- 14 Your Petitioner regards the network of narrow lanes in this part of the AONB as a characteristic feature of the area and is concerned about the proposals to use some of these narrow country lanes for construction vehicles.
- 15 Your Petitioner is concerned about the effects of noise and vibration and air quality arising from the construction of the high speed railway and that the operation of the said railway will give rise to noise and vibration in this tranquil area of the AONB. This would severely impact upon the use and enjoyment of the properties in this AONB area as well as on the neighbourhood's general amenities.
- 16 Your Petitioner is concerned about the spoil to be excavated and arrangements for removal and storage of spoil within the AONB. In particular your Petitioner objects to the proposed spoil heap at Hunts Green, which if created, will be a travesty and an unacceptable scar on the AONB.
- 17 Your Petitioner is concerned that the Emergency Services will be unable to provide their normal efficient service due to road congestion, closures and diversions during the construction period.

#### **Your Petitioner's Remedies**

- 18 Your Petitioner requests the Select Committee give such instructions and secure such undertakings from the Promoter or changes in the Bill to ensure the fullest possible protection of this part of the AONB, both during and after construction. This is the only AONB on the line and requires special attention as the statutory protection requires.
- 19 Your Petitioner particularly requests that the AONB be protected from the effects of this unaccountable planning error by amending the Bill to require the construction of a fully bored tunnel throughout the whole of the AONB section of the proposed line. The fully bored Chiltern Tunnel is extended in accordance with alternative proposals such as the "CRAG Route" already assessed by the Promoter in the Environmental Statement ("the ES") or the "Green Route" advanced by Chiltern District Council This would substantially address the adverse effects, the concerns of your Petitioner and the need for the proposed remedies otherwise required.
- 20 Your Petitioner requests that, if the proposal for a fully bored tunnel throughout the AONB is rejected, then the following mitigation measure should be adopted

and implemented

- a. That the South Heath Chilterns Tunnel Extension (referred to as the REPA tunnel in Vol 2 2.6.18 CFA 9), or a possible further extension of the same, be adopted, particularly as this also has acknowledged environmental benefits
21. Your Petitioner further requests that the nominated undertaker be required to mitigate the remaining nuisances, by giving the Code of Construction Practice legal effect with independent assessment of compliance and sanctions for breach and that the Code should specify, in all cases, the need for work, facilities and construction to be to the best available standards and techniques and to the highest standard of construction and operation of the railway and its associated developments and , in particular, that the Code or requirements in the Bill be so amended to enforce the following measures:-
- a. Prohibiting any widening or enlargement of the narrow minor lanes
  - b. Constructing new roads for the contractors and vehicles to access the trace directly from the A413, and prohibiting the use of all existing narrow minor roads in the AONB by construction traffic
  - c. The Promoter and the contractors should be required to construct the railway to ensure that during construction and operation of the line noise, dust and vibration is minimised to meet the highest standards applicable and controlled and that air quality is maintained
  - d. Constructing such facilities as may be necessary to remove spoil from the AONB area, including by rail or by pipeline, to apply proper methods of dealing with spoil. ( If the full tunnel proposal is adopted, then the amount of spoil involved for this section of the line will be substantially reduced )
  - e. The 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
  - f. 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.

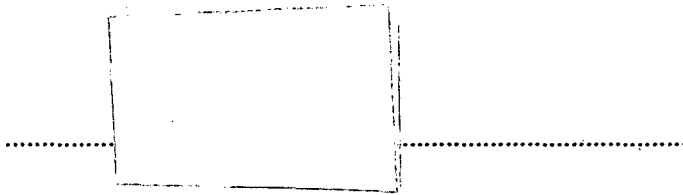
### **Conclusion**

22. The Petitioner emphasises that if the Bill were to be amended to include the provision of a fully bored tunnel throughout the Chilterns Area of Outstanding Natural Beauty, then the mitigation measures set out would in large be unnecessary and the impacts would be otherwise effectively mitigated
23. The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement prepared by HS2 Ltd, it is inevitable that that the construction of HS2 will disrupt the lives of the residents in the AONB, including those of your Petitioner, in ways which have not yet been considered.

24. 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 Petitioner should not be allowed to pass into law.
25. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, and her rights, interests and property and for which no adequate provision is made to protect your Petitioner

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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PETITION OF BRENDA GOVER

AGAINST, By Counsel, &c.