

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 Thomas Michael and Margaret Aleida Johnstone
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.

Your Petitioners

- 7 Your Petitioners are resident in the Chilterns Area of Outstanding Beauty (AONB), who will be directly and specially affected by both the operation and construction of the proposed HS2 line, as shown in Scheduled Works Plan Sheets 2-22, 2-24, 2-25 and 2-27.
- 8 Your Petitioners own the freehold of 'Woodleigh', 12, Lappetts Lane, South Heath, Great Missenden, Buckinghamshire, HP16 0RA. This property is in the South Heath area of Great Missenden Parish, a community of 340 homes that depends on the facilities of Great Missenden and surrounding villages/towns, and will be permanently and forever blighted by HS2. South Heath is the only village in Buckinghamshire singled out as suffering community wide adverse affects from the construction and operation of HS2.
- 9 Your Petitioners' home is within 400 metres of the line of HS2. Although the line will be in the cut and cover "green" tunnel at this point your Petitioners' home will be 600m and 700m from the south and north portals respectively, well within the Zone of Theoretical Visibility of HS2 for construction and operation, as set out in the Environmental Statement (ES). There will also be construction works lasting up to 8 years in the immediate environs of your Petitioners' home.
- 10 Your Petitioners retired here six years ago to live in the AONB, in order to enjoy the countryside with their grandchildren, with its access to footpaths, cycle routes, woods, wildlife and exceptional views. Lappetts Lane opens onto Kings Lane which is adjacent to the ancient woodland of Sibley's Coppice, and there is a footpath entrance to it off Kings Lane. Peace and tranquillity are all a high priority and a key part of daily life
- 11 South Heath backs onto the trace of HS2 and as the Environmental Statement admits will be exposed to the noise, vibration and dust from the construction of the South Heath Green Tunnel. Huge spoil heaps will be nearby. The trace here will be used for construction and by construction traffic for some 4 yrs. Excess spoil will also be transported along the trace to Hunts Green. Your Petitioners use Frith Hill (South Heath Leg) for accessing Great Missenden several times a day usually by car and bicycle and occasionally on foot as it is the only route that has a footway direct from the village to Great Missenden. Frith Hill will be entirely closed for 2 years and used by unsuitable heavy construction traffic when it is open. The alternative route via Kings Lane and the B485 will be heavily congested, as they are also construction traffic routes. Other local access roads such as Potter Row and Leather Lane will also be construction traffic routes or in the case of Leather Lane, closed. Other alternatives will be congested as they are also construction routes or will carry excessive traffic from those seeking a way round the congested direct routes. This will isolate the Petitioners' home from Great Missenden, the A413 and Chesham, and make daily life very difficult.

- 12 Your Petitioners frequently walk the footpaths to Great and Little Missenden and along the Misbourne valley and the ridge to the east, especially through the adjacent ancient woodlands of Hedgemoor Wood, Sibley's Coppice and Jenkins Wood. These public rights of way (PROW) will be stripped of their rural nature and tranquillity by HS2. A large swath of Sibley's Coppice will be devastated by the construction of the green tunnel, and it and the footpaths through it, will be unusable entirely lose their character.
- 13 Your Petitioners are keen cyclists now that they have retired and he frequently cycles to his mother-in-law in Wendover and his daughter and grandchild in Aylesbury which will require him to cross the construction route two and four time respectively. Construction work will require him to travel on major roads together with construction traffic as some of the country lanes will be closed and he will be exposed to an increase in road safety hazards, let alone the adverse effects on his health from the extra traffic.

Your Petitioners' Concerns

- 14 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". The train will be seen and heard from Hyde Lane and on approaching Leather Lane and Bowood Lane bridges as it and its ancillary superstructures are above ground.
 - b. Noise and light pollution emanating from trains speeding along cuttings and the noise boom on entering and exiting the green tunnel and flashes of light from the pantographs, will disrupt the tranquillity experienced by your petitioners 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 your Petitioners.
 - c. Permanent change in character and loss of amenities - footpaths in the adjacent Sibleys Coppice lose their character; 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 the nearest ones, through Sibleys Coppice, closed. It will be difficult to take exercise, walk dogs, use the roads for cycling, and enjoy the countryside.
 - d. The loss of the amenity of the gymnasium on Frith Hill and pub/restaurant on the B485, both within walking distance, that will be demolished to make way for HS2.
 - e. The permanent loss of ancient woodlands, natural habitats for wildlife, areas of green space, views and tranquil surroundings. Land will be used as construction sites and for the erection of high security fences, permanent buildings and an auto transformer substation to support the railway. Unsightly security fences, gantries, cuttings, and bunds will despoil the AONB.

- f. The creation of a permanent new land fill site within the AONB and nearby to South Heath at Hunts Green
 - g. Isolation of the village community from Great Missenden on which it depends during the construction period, when Frith Hill South Heath Leg is shut for 18 months to 2 years.
 - h. Loss of businesses in 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. Furthermore the isolation of the community and the reduction in customers coming to South Heath will threaten the viability of the South Heath Garden Centre and Nursery.
 - i. Safety risks (school bus route, inadequate pavements, equestrians, elderly and other vulnerable users), noise, congestion, dust, dirt and extensive disruption from Kings Lane being a construction traffic route for many years, as well as being exposed to the construction works itself; permanent road realignment works, and building of a new roundabout with permanent lighting that is out of place in South Heath's rural landscape (and discouraged by the Chilterns Conservation Board within the AONB) and extra traffic when the adjacent Frith Hill (South Heath Leg) road is shut for 18 months to 2 years.
 - j. Emergency services being unable to provide a timely response due to road congestion, closures, and diversions during the years of construction works. An ambulance from Stoke Mandeville Hospital will need to cross the construction trace four times before reaching South Heath.
 - k. Anxiety and stress affecting your Petitioners' 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.
 - l. 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
 - m. Pylon works in South Heath that involves the temporary re-siting of the power lines should have the cables put underground.
 - n. The potential acquisition of land and use for its development and regeneration (under clause 47 of the bill) which are unnecessary and will further increase blight. Your Petitioners ask that they be removed from the Bill.
- 15 The adverse effects of the Bill with which your Petitioners are concerned and to which it objects are primarily caused by and associated with the works proposed from the B485 to Frith Hill comprising Work Nos: 2/17; 2/17A; 2/17B; 2/18A; 2/18B (Roads) and 2/18 (Footbridge) and 2/14 (Railway) and the clauses in the Bill that empower them.

Remedies/Mitigation requested

- 16 Your Petitioners request that measures be taken and changes be made in the Bill or the Code of Construction Practice or by obtaining binding undertakings from

the Promoter to address the various concerns of your Petitioners as listed above.

- 17 Your Petitioners request 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 Chiltern Ridge Action Group T2 proposals. The latter is referred to in the Environmental Statement Vol 2, CFA9 page 39 and accepted as both feasible and environmentally preferable. Either of these options would address most, if not all, of the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.
- 18 Your Petitioners request that, in the alternative, if the proposal for a full tunnel throughout the AONB is rejected, then the bored Chilterns Tunnel should be extended at a minimum for 4kms from Mantles Wood to Leather Lane. This extended tunnel is referred to as the Residents' Environmental Protection Association (REPA) tunnel in the Environmental Statement Vol 2, CFA9 page 41 but extended to Leather Lane and has acknowledged substantial environmental benefits for no net cost whilst preserving a further 4km of the AONB from adverse effects - including that part in the immediate vicinity of your Petitioners' home.
- 19 The fall back alternative to these solutions is numerous individual mitigations of the adverse impacts, all of which will cost time and money. Your Petitioners expand on the individual adverse impacts that concern it and to which it objects, and the mitigation that would be required for each, if the fully bored tunnel proposals are rejected, as outlined below.

Addressing Permanent issues

- 20 In the absence of extending the Chilterns' tunnel then the following mitigations would be needed to ameliorate the worst of the permanent effects, and your Petitioners request that provision is made for:
 - a. 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 (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 is placed in fully retained cuttings to reduce land take of gardens, ancient woodland and farmland
 - 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, especially in the area from Mantles Wood to Frith Hill where the line has already been raised from the alignment originally proposed
 - d. That provision is made for constructing bridges where there are established rights of way, and to make these green bridges, in order to retain trees and shrubs and permit wild life access, particularly given that this is part of the

AONB. Plant mature trees over the South Heath green tunnel to emulate the previous character.

- e. That the speed of the trains be reduced permanently as per the recommendation of the House of Commons Environmental Audit Select Committee Report, in order to help reduce the environmental impact to your Petitioners and the environmental impact of the AONB.
- f. That arrangements be made for the spoil to be removed from the area by rail or pipeline. Your Petitioners point out that, if the full tunnel proposals are adopted, then the amount of spoil involved for this section of the line will be very substantially reduced and it would also all be removed at the Wendover exit of the tunnel.
- g. 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
- h. That property blight is compensated by extending the compensation available under the Land Compensation Act 1973 to cover all losses not just those relating to nuisance
- i. That the pylons are removed and the power lines are reinstated underground, rather than moved and then re-instated on the surface, as proposed

Addressing construction issues

- 43 Your Petitioners request 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 sanctions for breach. 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. The Code should be amended to enforce the following measures:-
- a. Properties in the South Heath area are significantly blighted from the prospect of HS2, and this is likely to worsen when construction is underway. To address this, 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 alternatively the property bond as proposed by HS2 Action Alliance should be implemented. Furthermore, all those remaining who suffer the impacts of construction should be compensated.
 - b. Construction noise and vibration - including that from construction traffic - lasts for years in total and so should not be allowed higher noise limits than for HS2's operation. 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 Lane, Hyde Heath Road, Frith Hill (South Heath leg).
 - d. Restricting HGV movements to the period 09:30 - 15:30 throughout this section of the AONB.
 - e. Additionally prohibiting HGV movements along school routes between 09.30 and 10.00 and between 15:00 and 15:30.
 - f. Prohibiting any widening, straightening or enlargement of the narrow minor

lanes for construction traffic.

- g. Operating a 'Park and Ride' scheme to transport construction workers along the trace, and enforcing this by not providing parking for contractors at the construction compounds.
- h. 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 and Hyde Heath.
- i. 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
- j. 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 its original size and character, and all damage repaired by the nominated undertaker.
- k. That the Promoter provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response. An ambulance from Stoke Mandeville Hospital will need to cross the construction trace four times to reach South Heath.
- l. A hotline should be set up allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.
- m. That in relation to the River Misbourne, full surveys and continuing monitoring should be undertaken regarding water quality and the effect of the construction works, with actions undertaken, including cessation of construction in this area, if any adverse impacts are found

Full Tunnel proposal

- 44 Your Petitioners emphasise that the mitigation measures set out in paragraphs above would in large measure be unnecessary and the impacts would be otherwise effectively mitigated if the Bill were to be amended to include the provision of a full tunnel throughout the AONB.

Objection to the detailed route and speed

- 45 Your Petitioners request that a lower speed be adopted – such as that of HS1 – and a route be determined and adopted that exploits the greater ability for following existing travel corridors and avoiding sensitive environments.

Conclusion

- 46 The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement (ES) 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 Petitioners, in ways which have not yet been realised. Your Petitioners wish the ES to be corrected and for them to be allowed to raise further issues of concern on those matters which are corrected

or on which additional information is provided, eg road congestion, waste management and noise.

- 47 If Parliament accepts this petition for an extended Chiltern Tunnel throughout the AONB then this can be taken as completely addressing your Petitioners' objections to the Bill.
- 48 For the foregoing and connected reasons your Petitioners respectfully submit 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.

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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed Thomas Michael Johnstone

Signed Margaret Aleida Johnstone

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(LONDON-WEST MIDLANDS)
BILL

AGAINST, By Counsel, &c.

PETITION OF Thomas Michael
and Margaret Aleida Johnstone