

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 Mr David Brown

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 freehold owner of **High Firs, Chesham Road, Hyde End, Great Missenden, Buckinghamshire, HP16 0RD**. Your petitioner is a member of the **Hyde End Residents Group**.
- 8 Your petitioner's property is in close proximity (500m) to the proposed HS2 railway line and will therefore be subject to permanent noise and visual obtrusion when the HS2 line is operational. In addition, for the construction period (more than 7 years) your petitioner will be subject to intolerable noise, dust and negative visual impacts.
- 9 Your petitioner's property is located at the junction of Hyde Heath Road and Chesham Road (B485), which are proposed to be used for on-going maintenance traffic once the HS2 line is operational. Therefore your petitioner's residential property will be subject to permanent, disturbance from maintenance vehicles passing by each day, creating noise, dust and restricted road use. Your petitioner's property will also be subject to unbearable noise, dust, restricted road use and visual obtrusion for at least 7 years during the construction period as these roads will be used for heavy construction traffic, with in the region of 300 vehicle trips per day being proposed passing immediately in front of your petitioner's property.
- 10 Your petitioner uses the B485 (Chesham Road/Frith Hill), Hyde Heath Road and A413 on a daily basis and there will be permanent interruption to the flow of traffic on these roads when the HS2 line is operational due to on-going presence of maintenance equipment/vehicles and delays due to the new roundabout at the junction of B485 and Kings Lane. Your petitioner specifically uses Hyde Heath Road on a daily basis, primarily to travel to Amersham station where your petitioner takes the train in to London for work. Your petitioner also uses Hyde Heath Road to access services other services in Amersham, including shops and health services. This road is also designated to be used as a construction vehicle route during the construction phase of the works authorised by the Bill and will therefore severely delay and increase time and cost taken for your petitioner to access the station (and therefore place of work in London) and facilities in Amersham for more than 7 years.
- 11 Your petitioner is also a regular user of the B485 (Chesham Road/Frith Hill) and the A413 to access the local amenities in Great Missenden, Aylesbury and High Wycombe, including health facilities, shops, post offices, entertainment and other services. As well as the permanent negative effects due to the realignment of Chesham Road and the construction of a new roundabout, the construction phase of the HS2 line/green tunnel at South Heath will severely delay your petitioner's journeys and increase time and cost taken for your petitioner to access these facilities for more than 7 years.
- 12 Your petitioner is a regular user of the footpaths, fields and woods across the Chesham Road from your petitioner's property between Hyde End and Mantles Wood for recreational and exercise purposes. Your petitioner walks dogs and runs trails on PRoW some of which are proposed under the Bill to be stopped up permanently and others for more than 7 years during the construction period. Therefore your petitioner is losing a vital recreational facility which is used both for pleasure and sport.
- 13 Your petitioner currently enjoys peaceful views of open attractive farmland, fields and trees in the Chilterns Area of Outstanding Natural Beauty. This view will be permanently spoilt and adversely changed by the re-alignment of the B485 behind your petitioner's property and by the construction of the South Heath Green Tunnel. The new road lay-out will bring the B485 in view of the rear of your petitioner's property and will also include a new roundabout at the junction of the B485 (Chesham Road) and Kings Lane. The HS2 line will be directly seen from the rear of

your petitioner's home as mature trees are being removed for the road realignment. In addition to these permanent effects, the negative impact of the construction vehicles creating noise and visual disturbance during the 7 year construction period and by the existence of the railway authorised by the Bill once it is operational will be intolerable compared to your petitioner's currently quiet and safe environment.

- 14 Your petitioner will also be permanently, severely affected through a combination of unending property blight and significant loss in property value due to the close proximity of the HS2 line.
- 15 Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Your Petitioner's Concerns

16 NOISE/DUST/DIRT/VISUAL POLLUTION

Due to the close proximity of your petitioner's property to the proposed HS2 line your petitioner is extremely worried about the noise and visual pollution the existence of this railway line will permanently bring to your petitioner's home and community. Noise from up to 18 trains per hour in each direction entering and exiting the South Heath Green Tunnel (500m away) and the Chilterns Tunnel in Mantle's Wood (1km away) and running along the track in a shallow cutting will blight your petitioner's life permanently. Also, your petitioner's home is situated on roads which are proposed as on-going maintenance routes once the line is completed and operational, which will permanently increase the traffic and associated noise and dust immediately outside your petitioner's home from heavy vehicles, as maintenance equipment is brought in and out of Mantle's Wood. There will also be the permanent visual obtrusion of electrified gantries, lighting, metal fencing 500m away from your petitioner's property, 5 balancing ponds (from 300m to 700m away) along with a 1.4km long by 250m wide excavated scar running across the landscape of the AONB forming the cutting between the Chilterns Tunnel portal in Mantle's Wood and the South Heath 'Green' Tunnel. Your petitioner will also be severely affected by dust, dirt and visual pollution for more than 7 years during the construction phase. Issues of grave concern include - material stockpiles sites, construction compounds, cutting excavations, major soil and spoil excavations/dispersals/removals, construction traffic, high powered night lights, metal fencing, and excavations for the permanent balancing ponds. These issues are compounded by the fact that currently your petitioner lives in a designated Area of Outstanding Natural Beauty (AONB) – the Chilterns - which by its very nature is rural, calm, clean and beautiful. The stress and uncertainty that this proposed line and its associated industrialisation, chaos, filth and ugliness will bring on a permanent basis causes great concern to your petitioner.

17 SHALLOW CUTTING

HS2 crosses the widest part of the AONB and less than 50% is in a bored tunnel. Between Mantles Wood and Wendover, Buckinghamshire, 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.

18 SPOIL

Your Petitioner is gravely concerned about the 'sustainable placement' of spoil in the AONB (at Hunts Green) as a contravention of the provisions protecting the AONB in the 'Countryside and Rights of Way Act 2000'. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding Natural Beauty. A spoil heap, if created behind Hunts Green,

will take years to settle and become established and will, in any event, create an artificial hill and an unacceptable scar in the AONB. It will be more than twice the size of Green Park.

19 CONSTRUCTION TRAFFIC

Your petitioner's residential property is situated in Hyde End at the junction of the B485 (Chesham Road) and Hyde Heath Road. These country roads are outlined as the route for vehicles associated with the on-going, operational maintenance of the Chiltern Tunnel portal in Mantle's Wood and also as construction phase routes and will therefore bear the brunt of heavy vehicles proceeding to and from this location. Vehicles will proceed from Hyde Heath to this junction and stop directly outside your petitioner's property before turning on to the Chesham Road directly in front of your petitioner's property. Once the HS2 line is operational there will be increased traffic along these roads which will permanently alter the rural character of the area causing increased congestion and pollution. During the construction phase there will be in the region of 300 vehicle trips per day during the construction period, creating a significant increase in traffic (more than 30% increase from current road usage and significantly more in terms of heavy goods vehicles) and causing intolerable disturbance from noise, dust and restricted road use for more than 7 years.

20 CODE OF CONDUCT

Your Petitioner is concerned that the nominated undertaker's ongoing accountability is unspecified and that the Code of Construction Practice is inadequate and has no legal status, with no independent means of monitoring and assessing compliance or sanctions for breach.

21 ACCESS DIFFICULTIES & TRANSPORT DELAYS

Your petitioner uses Hyde Heath Road on a daily basis for work and the B485 (Chesham Road/Frith Hill) and A413 regularly and has serious concerns about the difficulties that the HS2 line will bring to this locality. Hyde Heath Road is planned as an access route for maintenance vehicles servicing the Chiltern Tunnel portal in Mantle's Wood. This will permanently increase traffic on this small, rural road and will alter forever the quiet locality between the villages of Hyde Heath and Hyde End. During the construction phase access to essential local services in Amersham, Great Missenden and the larger towns of Aylesbury and High Wycombe will be restricted due to the use of Hyde Heath Road, B485 and A413 for construction vehicles and because of the proposed closure and realignments of these roads. Your petitioner specifically needs to access the train station in Amersham on a daily basis to travel to London for work but also uses these local towns for food and household shops, banks, post offices, doctors, dentist, fuel, leisure and exercise amenities. Journeys will be delayed by road works or diversions and time and costs will increase for your petitioner. Your petitioner and other residents of Hyde End will therefore be subject to severe difficulties in maintaining their daily lives due to the HS2 project. In addition, the B485 and the A413 are the direct access routes to the two nearest hospitals serving our community (in High Wycombe and Stoke Mandeville) and the work associated with HS2 along these roads will cause delays should your Petitioner need to reach either of these hospitals quickly. Also, access for the emergency services to the properties of Hyde End could be severely disrupted with potentially life-changing implications.

22 PUBLIC RIGHTS OF WAY (PRoW)

Your petitioner uses many of the PRoW between Hyde End, South Heath and Hyde Heath village which will be permanently or temporarily stopped up or diverted for the construction of the HS2 line. The loss of these amenities which your petitioner uses on a daily basis and which others use regularly, including many visitors from London and the surrounding areas, and young adults participating in expeditions for the Duke of Edinburgh Bronze Award, causes great concern. These PRoW provide access to the heart of Chilterns AONB, (indeed this area is called 'Central Chilterns' by HS2 Ltd.) Your petitioner specifically uses PRoW references:

GMI/23/6, GMI/23/7, GMI/26/1, GMI/27/1, LMI/21/1, LMI/17/2, GMI/33/1, GMI/33/3, GMI/33/5 and Hyde Lane regularly to enjoy circular walks and running routes around the locality. This will not be possible once HS2 is under construction as these paths are dissected by the HS2 line. One specific example is PRow Ref. LMI/17/2 which runs through Mantle's Wood, an area of Ancient Woodland abounding with wildlife. This path will be permanently closed due to the emergence of the Chilterns Tunnel portal in the heart of the wood and the construction of the road for construction and maintenance traffic out to Hyde Heath Road. Also, PRow GMI/26/1 which is currently flanked on either side by mature trees has no re-planting indicated in the plans, leaving permanent and open views from Hyde End to the HS2 line as it cuts across the fields from the Chilterns Tunnel portal to Hyde Lane. The loss of these PRows in this area on a human scale is appalling and the loss of habitat for flora and fauna immeasurable.

23 AONB

Your Petitioner is concerned that the Promoter of the Bill has ignored the obligations to protect the AONB, and cannot understand how they consider 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. The special qualities of the AONB cause it to be visited over 50 million times a year by visitors from London and other areas, and young adults participating in the Duke of Edinburgh Award scheme. Your petitioner requests that changes be made to the Bill to ensure the fullest possible protection of this part of the AONB, both during and after construction, this being a special requirement exclusive to this area. No other part of the line is within the AONB or has the statutory protection afforded to the AONB.

24 LOSS OF AESTHETICALLY BEAUTIFUL SURROUNDINGS

Your petitioner currently enjoys peaceful, rural views of open, attractive farmland in the Chilterns Area of Outstanding Natural Beauty. This tranquillity will be spoilt and permanently changed by the re-alignment of the B485 behind your petitioner's property and by the construction of the South Heath Green Tunnel. The new road lay-out will bring the B485 in view of the rear of your petitioner's property and will also include a new roundabout at the junction of the B485 (Chesham Road) and Kings Lane. The HS2 line will be directly seen from the rear of your petitioner's home. Similarly, across to the eastern side of B485, the fields and woodland copses that your petitioner currently enjoys on a regular basis will be completely transformed in to a 250m wide excavation zone, extending to 750m with material stockpiles, earthworks and the creation of new balancing ponds. Add on the overhead electrical rail gantries, buildings, compounds as well as the track itself and this protected AONB will be completely destroyed and disfigured. Mature trees, which give this AONB such character, are being destroyed and across this local area within 1km of your petitioner's property, four areas of ancient woodlands will be permanently lost. The overall negative impact of the construction of the HS2 line is devastating and will turn this aesthetically beautiful area in to an industrialised zone with all the associated noise and visual disturbance during the more than 7 year construction period and by the existence of the railway authorised by the Bill once it is operational. This will be intolerable compared to your petitioner's currently unspoilt and visually stunning environment.

25 LOSS OF HABITATS

Your petitioner is concerned about the loss of natural habitats for wildlife and habitat severance as the railway constitutes a barrier. There will also be an unacceptable effect on owls and bats who we are informed in the ES will be killed within 1.5km of the line.

26 Your Petitioner is concerned that land which is occupied and utilised by contractors during construction will not be cleared and restored after completion to a satisfactory standard for the AONB or in the worst case that it will simply be abandoned by the contractors

27 Your Petitioner is also concerned about errors and omissions in the Environmental Statement

and matters which your petitioner understands will be clarified or corrected at a later stage and that these may call for further mitigation or remedies to be considered by the Select Committee

28 PROPERTY VALUE

Due to your petitioner's property close proximity to the HS2 line (500m) the value of this property is already facing a 30% reduction due to the permanent blight caused by the presence of the line. This is a real loss of life savings and this loss is not referred to in the current HS2 Compensation proposals. The current proposals are hugely inadequate and will not permit free movement of the population to and from this area for many years to come – if ever. Your petitioner's property may also be unsaleable. The arbitrary 'Need to Sell' proposals will not protect those properties and home-owners, such as your petitioner, which are further than 120m from the line, yet close enough to suffer immense adverse effects by the presence of the line. Living in a democracy, your petitioner should not have to prove to HS2 Ltd why he needs to sell his property and the current situation causes huge anxiety for the future. The compensation payments for properties up to 300m from the line are derisory and do nothing to protect the property market.

Remedies /Mitigation requested

- 29 Your petitioner requests 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 Petitioner as listed above.
- 30 Your petitioner sincerely requests that the Hybrid Bill's plan for the HS2 line to emerge from the Chilterns Tunnel at a portal in Mantle's Wood, be altered to provide an extended, fully bored tunnel through the whole of the Central Chilterns AONB, either as proposed by Chiltern District Council or as proposed by CRAG (and recognised in the ES as being both technically feasible and environmentally superior to the Proposer's scheme). Either of these fully bored tunnels would prevent these permanent, adverse consequences of the HS2 line on your petitioner, your petitioner's property and the whole of Chilterns AONB.
- 31 Alternatively, if Parliament does not agree to either of these fully bored tunnels, your petitioner requests that at the very least an extension to the Chilterns Tunnel is provided, as proposed by REPA (Residents Environmental Protection Association), which emerges at Leather Lane – an extra 4km – therefore removing the adverse effects of HS2 in your petitioner's locality – specifically the villages of Hyde End, Hyde Heath and South Heath. This tunnel has also been recognised by HS2 Ltd. as technically feasible, environmentally preferable and economically viable. The development of a fully bored tunnel would also mitigate the adverse effects of the construction phase on your petitioner.
- 32 Your petitioner also requests that plans are put in place to mitigate the worst of the effects at a local level by:
 - a) Re-routing the maintenance and construction traffic south from Mantle's Wood directly to the A413, rather than to Hyde Heath Road and the B485 (Chesham Road/Frith Hill), so avoiding the villages of Hyde Heath and Hyde End. This would mitigate some of the adverse issues associated with on-going maintenance traffic and HGVs during the construction phase affecting your petitioner's property and community.
 - b) Introducing a comprehensive compensation scheme, formally agreed with Hyde End residents in the vicinity of the HS2 line, extending beyond 300m to all who are blighted by this project. This would include sound proofing to properties and cleaning costs for properties, cars and the surrounding neighbourhood.
 - c) Requiring all construction traffic to use the trace and not these public roads.
 - d) Ensuring that deliveries should be banned at certain times.

- e) Preserving existing PRoW by using green bridges where these paths cross the trace, in order to retain trees and shrubs and permit wild life access, particularly given that this is part of the AONB. Also, provide acoustic protection on these bridges
- f) Re-planting of trees along PRoW GMI/26/1
- g) Ensuring that the cutting between the Chiltern Tunnel portal in Mantle's Wood and the South Heath Tunnel portal should be made deeper and return to the levels originally proposed by the 2011 consultation. There should be continuous full height (5m) high specification sound barriers (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.
- h) Prohibiting the power of the contractor to raise the line by up to 3 metres for the AONB section of the line.
- i) Permanently reducing the speed of the trains once the line is operational, in line with the recommendation of the House of Commons Environmental Audit Select Committee Report, in order to help reduce the environmental impact.
- j) Ensuring 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
- k) Removing the need for balancing ponds and other water management measures, by considering alternative techniques in consultation with the local authority, and that if necessary waste water is tanked and then removed for sustainable disposal
- l) Ensuring that pylons are removed and power lines are reinstated underground, rather than moved and then re-instated on the surface, as proposed
- m) Compensating property owners for loss in market value. The current Compensation proposals should be amended to take account of the genuine property market (not based on 'Need to Sell') and home owners should be protected by the introduction a Property Bond. The Hyde End area should be recognised as a community suffering blight.

33 Your Petitioner 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. 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 so amended to enforce the following measures:-

- a. 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, specifically Hyde Lane, Hyde Heath Road and Frith Hill (South Heath leg).
- b. Restricting HGV movements to the period 09:30 - 15:30 throughout this section of the AONB.
- c. Additionally prohibiting HGV movements along school routes between 15:00 and 15:30.
- d. Prohibiting any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
- e. That 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 and monitored and that air quality is maintained
- f. 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.
- g. 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 its original size and character, and all damage repaired by the nominated undertaker.

- 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, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.

34 **Full Tunnel proposal**

Your Petitioner emphasises that the mitigation measures set out in paragraphs 32 and 33 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.

35 **Objection to the detailed route and speed**

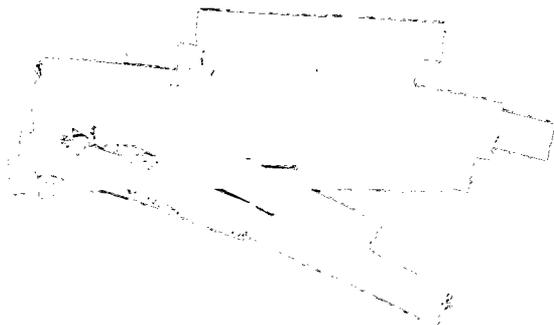
Your Petitioner doubts that the current route that accommodates the proposed inappropriately high speed through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now apparent in constructing a line through this area would have become apparent. A lower speed would allow HS2 to use existing transport corridors and greatly reduce environmental impacts, while adding little to journey times. Dropping the maximum speed from 225 mph to 185 mph adds just 4.5 minutes to the London - Birmingham journey time, according to the draft ES. 'Future proofing' the route to allow 250 mph in the future, increases the environmental damage caused by the route.

- 36 Your Petitioner requests 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 corridors, improving interconnection with existing transport infrastructure and avoiding sensitive environments.

- 37 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 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.



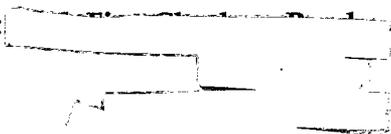
IN PARLIAMENT
HOUSE OF COMMONS
SESSION [2013-14]

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF **Mr David Brown**

AGAINST, By Counsel, &c.

David Brown

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