

IN PARLIAMENT

1221

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 Melissa Claire Laing

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 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 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 Petitioner resides within the Chilterns Area of Outstanding Natural Beauty and is the freehold owner of Rosemead, Weedon Hill, Hyde Heath, Buckinghamshire HP6 5RN and is the operator of a small community business, MCL FITNESS, which provides health and leisure services as part of a community based initiative to promote access to the countryside to encourage health and greater wellbeing.
- 9 Your Petitioner and her rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 10 As a resident of the AONB your petitioner has 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 the lives of residents in the AONB in ways which have not yet been considered. Your petitioner respectfully requests to be allowed to interrogate and present further petitions when this information comes to light following further survey work undertaken to inform the Environmental Statement that at the time of writing was unavailable to comment upon as HS2 Ltd had not undertaken nor presented the study work.

Preservation of the Chiltern AONB

- 11 Between Mantles Wood and Wendover the Proposed Route is on the surface for 10km and includes sections in shallow cuttings, on two 500m long viaducts, on embankments and in two cut and cover ("green") tunnels.
- 12 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. These are qualities that attract over 50 million visits a year – many from London residents.
- 13 Your petitioner considers the scheme as proposed 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. These severe adverse effects will permanently and seriously reduce the ability of residents to enjoy the natural benefits of the area in which they live. Your petitioner is uniquely placed to comment on such impacts as her professional life seeks to promote fitness and better health by directly using the natural resources of the AONB.
- 14 Your petitioner requests that the AONB be protected from the effects of this grave planning error by directing HS2 Ltd to ensure that the line passes through the AONB in a bored tunnel such as the CRAG T2 Tunnel¹ or Bucks/Chiltern Council Green Tunnel. HS2 Ltd considers the CRAG Tunnel to be feasible and environmentally preferable. Either full length tunnel would substantially mitigate the adverse effects complained of in this petition, and remove the need for the less effective remedies proposed below.

¹<http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

- 15 Your petitioner has considered the programme of PRow routes and closures or diversions proposed by HS2 Ltd. The majority of Nordic walking classes start in Hyde Heath and over 10 of the Nordic Walking routes will be impacted by HS2 Ltd and their proposals. All, except 2 of the routes, will be unviable due to footpaths being closed.
- 16 Your petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic throughout the AONB, and in the Misbourne Valley in particular. Your petitioner encourages outdoor fitness via Nordic Walking. Nordic Walks make use of some smaller single track roads in addition to public footpaths and bridleways. Many of these smaller roads will become very dangerous to use with significant increases in traffic avoiding work camps. Many of these roads such as Keepers Lane and Chalk Lane have been unassessed by HS2 Ltd. These roads have unique designs with high hedgerows making escape from cars impossible and Nordic Walkers would be wholly reliant on cars proceeding down these lanes cautiously. Walking along these routes will become dangerous and unattractive.
- 17 As a resident of an area adjacent to the construction zone, your petitioner is also concerned that traffic seeking to avoid congestion will place a further burden on the roads in this community together with associated safety risks. Clients of your petitioner, in her role as outdoor fitness instructor, currently park adjacent to Hyde Heath common for exercise classes which are held on the common. The location of parking has been approved by the local police and the district council who fully support this community initiative. HS2 Ltd have not assessed what an increase in traffic on this road would do to its capacity during classes. An increase in traffic will aggravate the impact on freedom of movement and accessibility and will likely deter many people from taking up classes or indeed dropping out if the construction leads to inconvenience.
- 18 Your petitioner observes that the greatest disruption to traffic will 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**² be implemented if either of the full tunnel options are not adopted. This extends the full bored tunnel to Liberty Lane, with acknowledged environmental benefits and at no additional cost. This will also alleviate inconvenience to customers accessing from South Heath, The Lee and further up the line having to navigate the construction sites to attend the classes. In addition it will ensure none of the safety issues or severance of the PRow occurs.
- 19 Your petitioner requests that at the very least the nominated undertaker be required to mitigate nuisances, by amending the Code of Construction Practice to strictly enforce the following measures -

² http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA_final.pdf

1. Restricting HGV movements to the period 09:30 - 15:30 throughout the AONB, and prohibiting HGV Movements along school routes for 30 minutes before and after the start and end of the school day (during term time). For reasons of safety.
2. Constructing new roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB by construction traffic together with introducing a package of measures to protect these single track roads from increased use. For reasons of safety.
3. 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.
4. Constructing such facilities as may be necessary to remove spoil from the AONB by rail, so avoiding the creation of the spoil dump at Hunts Green.
5. Undertake proper and adequate assessment of any and all country lanes and local single track roads in the context of anticipated knock on effects of rat running traffic seeking to avoid construction induced congested areas of the road network.
6. To take steps to alleviate the impact and safety concerns generated in sub paragraph 5 by funding a traffic management system that controls and manages this traffic during peak periods to ensure safety of school children, village residents and non motorised road users.

Health and Welfare

- 20 Your petitioner is gravely concerned that the emergency services will be unable to provide timely support to her clients and property due to road congestion during the construction period, and would remind the committee that the A413 carries ambulances to the local A&E department at Stoke Mandeville, as well as all HS2 traffic to and from the AONB. Your petitioner's clients are "higher risk" individuals, many of whom have underlying health issues. It is imperative the emergency services response time is not compromised by road congestion.
- 21 Your petitioner requests that HS2 Ltd provide an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response; the committee might also consider that with 11 construction sites operating in the area, it would be criminally irresponsible not to be prepared for any industrial accidents.

Environment

- 22 Your petitioner makes extensive use of the recreational facilities afforded by the AONB, and strongly objects to the following impacts of the project

1. Diversions of public rights of way, and reinstatement of some PROWs to run alongside the line, such PROWs being terminally impacted due to loss of reputation due to noise making them no longer useable for tranquil recreation.
2. Destruction of woodland and in particular of Ancient Woodland. Ancient Woodland represents an irreplaceable resource (as stated by HS2 Ltd) which cannot be mitigated by bio-diversity principles due to their 400 year evolution.
3. Continuing audible and visual intrusion of the railway in operation. No mitigation has been proposed to address the impact on walkers, cyclists or horse riders, and their needs are hardly mentioned in the ES (Vol2) reports covering the AONB (parts 7 to 10)

Your petitioner has spent four years working to encourage persons with health issues to lead a healthy and active life and to encourage them via Nordic Walking to become inspired by all the AONB offers. It is your petitioners great fear that the loss of all appropriate Nordic Walking routes from Hyde Heath will mean people will stop Nordic Walking. This may appear a small impact in the grand scheme of the national interests of HS2 but many of your petitioner's clients will have their health and wellbeing impacted and there is no cumulative assessment of such impacts which must be occurring along the line. At the very least your petitioner asks that this be added to a cumulative assessment of health and wellbeing impacts that she hopes the committee will ask to be produced and collated.

- 23 Your petitioner feels very strongly that if the committee do not advocate any of the tunnel options, then the cumulative impacts on health and wellbeing together with community cohesion will be greatly impacted. Your petitioner feels very strongly that HS2 Ltd should be compelled to fund and sponsor community based Health and Fitness initiatives that continues to promote access to the countryside around Hyde Heath and be placed under a positive obligation to use their best endeavours to support such programmes as are necessary during construction and post recovery to maintain and support the current community initiatives that exist to promote health and wellbeing.

- 24 Your Petitioner restates the recommendations of the Environmental Audit Committee who has clearly stated that compensation measures for environments such as irreplaceable Ancient Woodlands should only be implemented as a last resort and only if the adverse effects cannot be avoided or mitigated. The intent of this Parliamentary Committee is clear in that it proposes that the Bill is amended to provide the longest possible fully bored tunnel under the Chilterns Area of Outstanding Natural Beauty, which would remove the majority, if not all, of the construction traffic from the roads that will otherwise be affected by traffic congestion, and would prevent disruption to the aforementioned Public Rights of Way, thus preserving the peace and tranquillity of the area together with ancient woodland residing within the AONB. The creation of the Hunts Green Spoil Dump would also be avoided if spoil was removed from the area by rail (see 21 sub paragraph 4 above) and your petitioner respectfully requests that this is the minimum necessary as part of the remedy to comply with statute protecting the AONB, recommendations made by the Environmental Audit Committee of your house and to ensure the duty to conserve and enhance is maintained intact.
- 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 and interests and for which no adequate provision is made to protect your Petitioner.

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, or Agent for the Petitioner]

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PETITION OF Melissa Claire Laing

AGAINST, By Counsel, &c.

Name of Petitioner in Person:

Address:

Post code: