

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 David Mark Ladd

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 Objection is, inter alia, taken to the works to be undertaken within the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as 'the AONB'), and in particular to works 2.1 and 2.12 to 2.27 (listed in Schedule 1 of the bill) in the parish of Little Missenden and the clauses of the bill which would otherwise authorise these works.
- 8 Your petitioner is the freeholder of Michaelmas Meadow, Little Missenden and has lived there for well over 20 years. His property and the village are in the AONB but in close proximity to two construction sites on either side, Little Missenden vent shaft and the Mantles Wood portal and tunnel exit. Thus your petitioner will be subject to intolerable noise and dust during the construction period and, as a regular user of the A 413 road that is proposed as a route for construction traffic for even more sites, will be delayed access to all facilities (including shops, health services, post office and public transport).
- 9 Your Petitioner and his rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Objection in Principle

- 10 Although your petitioner is aware that the Select Committee of your honourable House is unable to consider cases which object to the principle of the Bill, your petitioner wishes to express its objection to the route chosen for HS2. Your petitioner is seriously concerned over the damage to the AONB and the fact that HS2 Ltd, in proposing this route, appear to have ignored the statutory duty of protection of an AONB as set out in Section 85 of the Countryside and Rights of Way (CROW) Act 2000. More than half of the route through the AONB, (11.5 of 20.3 kilometres), is at surface level. As the bill provides the opportunity for the route to be raised by up to three metres, almost half the route and especially the overhead equipment, (apart from 2.5 kilometres in a green tunnel) will be visible and intrusive on the AONB.
- 11 The Environmental Statement contained several errors that led to unjustified conclusions as to the effects of the proposed route on the AONB. Therefore it failed to assess the impact on the AONB adequately and did not seek to protect the AONB as options to avoid or minimise the impact were rarely taken. Furthermore it includes an overreliance on the Draft Code of Construction Practice (DCoCP) for much of the proposed mitigation, and this is then qualified 'as reasonably practical' so making much of the proposed mitigation very unlikely.
- 12 Accordingly your petitioner requests that the deficiencies in the Environmental Statement are remedied by the promoter through full

consideration of and adoption of the proposal to tunnel throughout the whole of the AONB. A report prepared by Peter Brett Associates and submitted by the Chiltern District Council sought to mitigate the damage with an improved engineering proposal of a revised tunnelled route throughout of the Chilterns AONB. In the absence thereof the proposed route should be tunnelled throughout the whole of the AONB and the facility for the undertaker or nominated contractor to raise the level be removed from the bill. Lastly your petitioner considers leaving the DCoCP in draft is not acceptable in principle and requests that the DCoCP be finalised prior to the enactment of the bill.

General Concerns

- 13 As a resident in an area so affected, your petitioner has identified several specific issues which are set out below. This list is by no means exhaustive as, due to the inadequacies of and omissions from the Environmental Statement, further material issues will arise.
- 14 If a revised route for HS2 is not deemed suitable, then your petitioner requests that that the present proposed route through the Chilterns AONB be amended so that the present so called 'Chilterns tunnel' be extended to a point North of Wendover, as detailed in the CRAG-T2 mitigation proposal, which was deemed environmentally beneficial in the Environmental Statement. This mitigation would not avoid all the damage to the Chilterns AONB (for example: ventilations shafts would still be required), however it would massively reduce the damage to the heart of the AONB at Mantles Wood and much of the mitigation to minimise the impacts, such as those exemplified below, of both the construction and operation of HS2 would not be required.

Protection of the Chilterns area of Outstanding Natural Beauty

- 15 The proposal that the route emerges from a tunnel with a constriction site and the creation of a tunnel portal at Mantles Wood, destroying a substantial area of irreplaceable ancient woodland, would create one of the greatest scars in and damage to the AONB. Furthermore the requirement for overhead line equipment along with the facility for the height of the proposed track to be raised by up to 3 meters, would create permanent damage to the AONB that would be visible from a wide area.
- 16 In addition on the east of the village of Little Missenden a vent shaft and a transformer station are proposed. These will cause noise, dust and light pollution to the village and will be clearly visible throughout the valley and especially from a major Public Right of Way (PROW), the South Bucks Way . The present designs indicated are totally unsuitable and the screening proposed to protect adjacent properties are inadequate.
- 17 Your petitioner requests that the requirement for vent shafts and transformer station be reconsidered so that they are built no higher than to ground level and the design amended to fit in with the environment.

- 18 The proposed route will cause the stopping and deviation of numerous Public Rights of Way, including national trails of the Icknield Way and the Ridgeway which will affect the recreation of visitors and reduce the very large number of tourists to the area. Two Public Rights of Way where your petitioner walks regularly, LM1/21/1 and GMI/23/1 will be deviated for some 1.5 kilometres along the track, protected by security fencing. This is unacceptable.
- 19 Your petitioner requests that if the route is not tunnelled throughout the AONB, then the public rights of way listed are restored to their original alignment with footbridges to cross the track at the original crossing.
- 20 Lastly the bill proposes an undefined 'sustainable placement area' be created at Hunt's Green to place surplus spoil from the building of the route. No details have been provided of this proposal, which would just amount to a pile of surplus mixed spoil which your petitioner understands could amount of 12 million tonnes of spoil dumped in the AONB.
- 21 Your petitioner requests that the bill be amended to require that all surplus material is removed from the site along the trace or by the creation of an extension of a pipeline that already exists for transfer of chalk to a reprocessing plant.

Water Supply and the River Misbourne

- 22 Your petitioner notes in the Environmental Statement it makes reference to the possibility of contamination to the Public Water Supply as a result of tunnelling the proposed route but it does not refer to any hydrological tests having been carried out. The aquifer to the River Misbourne is recognised as supplying some 20% of the water supply to much of North west London as well as to the local area
- 23 Your petitioner requests that full assessment of the effects of tunnelling through the area on the effect of the water supply be carried out so that sufficient mitigation can be proposed and a management strategy agreed with Affinity Water to protect the public water supply before tunnelling commences.
- 24 In addition, for the reasons set out above, your petitioner is very concerned at the impacts on the River Misbourne, a globally accepted rare chalk stream, and the Shardeloes Lake, the principal feature a Grade II* designated registered park and garden, from potential damage from loss of flow of the River Misbourne as a result of the tunnelling.
- 25 Your petitioner requests that the bill is amended to require that comprehensive monitoring of the river flows are carried out, conservative levels agreed to trigger further investigation so that mitigation can be implemented before permanent damage and water loss arises.

Construction Traffic

- 26 Your petitioner is particularly concerned about the impact of the road traffic and the emergency services, along the A 413 from Great Missenden, around the Amersham by-pass up to and including the junction with the A355. This is the designated construction route to access to the M40. This is a mostly a single carriageway road that has seen fatal and serious accidents in the last two years. Furthermore the blue light services along this road to the nearest accident and emergency hospital at Stoke Manderville is barely adequate at present due to the narrow nature of the road.
- 27 As a resident of an area in the vicinity of two construction sites your petitioner is also concerned that traffic will seek to avoid the congestion caused by the construction and seek to use minor and unsuitable roads, especially by 'rat running' through Little Missenden
28. Your petitioner respectfully requests that in order to mitigate the effects of the construction traffic (on which the estimates made by HS2 for the Environmental Statement were demonstrably incorrect) the following measures should be agreed to be undertaken during the construction phase of the railway:
1. no construction traffic is permitted to use the A 413 during the hours of 7-9 am and 5-7pm;
 2. the direct access roads from the trace and construction sites at Mantles Wood to A 413, as identified in maps to the Environmental Statement, should be prohibited since the impact on traffic flows turning from or on to A 413 will render the A413 impassable at the narrowest, single carriageway, point between Hyde Lane and the beginning of the dual carriageway at Keepers Lane;
 3. constructing facilities be built that will enable spoil and slurry to join an existing pipeline so that it will not need to be removed by road;
 4. no construction traffic should be permitted into the villages of Little Missenden or Hyde Heath, which is closest to the construction route from the Mantles Wood site, and that unimpeded access from Little Missenden remain open at all times;
- 29 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 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.

D.M.Ladd (signature in person)

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DAVID MARK LADD

AGAINST, By Counsel, &c.