

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

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 JOANNE GARRETT & BEN SCOTCHBROOK

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. We, Your Petitioners, move to Misbourne Cottage in Little Missenden with our three young children since May 2010. One of the key attractions - the way of life it would offer. The house is our home. The village is our community. Set in an Area of Outstanding Natural Beauty, our children are growing up appreciating the countryside. HS2 and its construction threatens that entirely – and not just for our family.
Your Petitioners' home will not be demolished but the trains will race out of a tunnel, in ancient woodland, less than a kilometre from our home and there will be an access shaft about half a kilometre away. Furthermore, years of construction work will affect the area phenomenally, with traffic, noise, dirt and disruption taking a major toll on the way our community lives.
8. Your Petitioners, their interests and their property, are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Although Your Petitioners are aware that the Select Committee of your honourable House is unable to consider cases which object to the principle of the Bill, Your Petitioners wish to express their objection to the route chosen for HS2. Your Petitioners are seriously concerned over the damage to the Chilterns AONB and way of life it supports. Furthermore, we fear the fact that HS2 Ltd, in proposing this

route, appears to have ignored the statutory duty of protection of an AONB as set out in Section 85 of the CROW Act. Your Petitioners request that the route of HS2 be realigned in order that it should avoid the Chilterns AONB.

10. As it stands, the Bill will allow construction of HS2 in a way that can only cause massive disruption to our family and the village as a whole. Indeed, the Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. We currently walk two of our children to school through the village – as do a number of other families. That is to say nothing of the more elderly members of our community as they walk through Little Missenden. It has always been the way here, and hopefully always will be. However, if construction traffic ever comes through our village (and when the A413 is blocked, a hugely increased amount of traffic always does) it can only threaten everyone's safety. It will also cause havoc, dirt and noise in an environment that has not evolved to carry such a weight of traffic. Doubtless, vehicles that normally use the A413 (or other local roads affected by HS2) may well be tempted to avoid construction traffic and use the village as a cut-through anyway. Either way, the village and its residents will suffer.

The dirt from construction will have a huge impact. When it's wet, the mud will affect roads for miles around. When it's dry, the dust will be constantly hanging in the air and, while one of Your Petitioners suffers from asthma, our three children are always playing outside.

The noise of the construction, too, will echo across the valley and the A413 will be far noisier. With the dirt as well, this will no doubt mean residents in Little Missenden won't be able to have their windows open at day or night.

The whole area is a haven for walkers and wildlife lovers. Thanks to the noise, dirt and disruption, they won't want to come here anymore, will they? That will also have an enormous impact on local businesses including our two village pubs.

The overwhelming detrimental impact of the construction will affect all our lives hugely - for all the years HS2 is being built here.

Not that life will return to normal once the construction's finished. When HS2 is built and running, we in Little Missenden will have to put up with the noise from trains going in and out of the tunnel – the sound of the engine and the wheels on the tracks will always be there. The visual scars in what the state has designated an Area of Outstanding Natural Beauty will never heal.

This shouldn't happen and cannot be allowed to go ahead without a significant rethink.

Your Petitioners respectfully request that your honourable House should pay special attention to the proposals in the Bill so far as they affect the AONB in order to determine whether due regard has been paid to this highly sensitive area and whether the proposed

railway is appropriate in light of its adverse impact on the area and its residents and businesses.

Your Petitioners support the Chiltern District Council's proposals for a revision of the horizontal alignment and an extended bored tunnel throughout the AONB, which in Your Petitioners' opinion would alleviate the detrimental impact that the proposed railway will otherwise have on the AONB.

If a revised route (horizontal realignment) for HS2 is deemed unacceptable, then Your Petitioners request 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.

Should neither the route be amended nor an extended Chilterns tunnel be acceptable then Your Petitioners respectfully request that in order to mitigate the effects of the noise, dirt and disruption of both HS2's construction and operation the following measures should be agreed to be undertaken during the construction/operation phase of the railway.

Local Level – Little Missenden – The 'Wider Village'

a) Pre-construction phase

- A plan to reduce the noise and visual impact of the tunnel entrance at Mantle's Farm, which will adversely affect 50% of the village population **MUST** be put in place prior to construction.
- ALL construction phase and post-construction phase mitigation plans **MUST** be approved and agreed in writing, prior to beginning construction, by the main contractor/sponsor.

b) Construction Phase

- **No** construction vehicles should be allowed into, or traverse through, Little Missenden during the construction phase. Notices should be placed at all entrances to the village, including at the south end of Penfold Lane in Holmer Green, to this effect and the compliance with this restriction, monitored.
- HGV movements should be restricted 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).
- Work adjacent to the residential properties must be limited to Monday to Friday, 0800hrs to 1600hrs.
- Heavy Goods vehicle movements along the A413 during the construction phase should be restricted to the hours of 10.00 – 15.30.

- No construction laydown area should be allowed within the wider Little Missenden village area.
- ALL other spoil should either be removed at the Denham end not of the tunnel – not at Mantles Wood – or it should be removed using the Chiltern Railway lines.
- Light, noise and dust pollution must be addressed and minimised by appropriate screening and other established methods. Little Missenden is a tranquil village in the Chilterns AONB. It has no artificial lighting i.e. no street lights and at present no light pollution, minimal noise, only local traffic and negligible dust pollution.
- Traffic routes should be published at least three months before the work starts.
- Effective traffic management should be implemented which would ensure villagers' passage to and from A413 isn't impeded by construction vehicles and the village itself isn't turned into a rat-run by other traffic trying to avoid construction congestion. Safety has to be a primary concern.
- The construction of new access roads to the trace and construction sites running directly from the A413, should be prohibited, since the impact on traffic flow on the A413 from turning, slowing and accelerating heavy goods vehicles will render the A413 effectively gridlocked at its narrowest point between Hyde Lane and Piper's Wood.
- During construction, if electricity pylons are to be moved, then they should not be replaced but the wires placed underground to make some measure of restitution of the landscape of the AONB for the damage caused by the scheme.
- Disruption to farming, local businesses and the impact on tourism MUST be minimised during the whole construction phase.
- Road cleaning and dust reduction measures must be in place and enforced by a third party.
- Construction noise should be limited to acceptable EU limits and monitoring stations and put in place and administered by a third party
- Trees and hedges must be fenced off to prevent damage such as construction vehicles compacting soil the trunk or crown and roots.
- A simple 'no-fault' system of claiming for damage caused by construction work is required, to cover structural and vehicle damage. This should not be insurance based and must offer speedy resolution.
- Each major construction site should have a dedicated community liaison officer and formal monthly meetings should be held with local residents to review progress, complaints and safety issues

c) Post-Construction /Operational Phase

- ALL previously agreed mitigation measures to reduce the long term impacts (visual, environmental, noise) of the construction phase must be put in place as soon as possible as each part of the construction is completed.
- The visual impact of the tunnel exit at Mantles Wood must be minimised by the sympathetic construction of embankments and bunds and their replanting with semi-mature native hardwood deciduous trees.
- Mantle's and Hedgemoor Woods must be re-planted with semi-mature native hardwood deciduous trees

- ALL disrupted footpaths must be re-instated. Preferably via a 'rolling' process of re-instatement during the construction phase but definitely as soon as possible after construction is completed.
- There MUST be a final agreement that all mitigation measures have been carried out as planned, prior to the construction being 'signed-off' by the local residents.

11. For the foregoing and connected reasons Your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting Your Petitioners, should not be allowed to pass into law.

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

AND Your Petitioners will ever pray, &c.

Signed



BEN SCOTCHBROOK

&



JOANNE GARRETT

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