

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 Jonathan Maxwell Batten 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”) is specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which is described in Schedule 1 to the Bill and other works, which is described in clause 2 of the Bill.

Your Petitioner

- 7 Your Petitioner is, Jonathan Maxwell Batten, a freehold owner of Saddlers, Swan Bottom, The Lee, Great Missenden, Buckinghamshire HP16 9NH , who will be directly and specially affected, both during construction and after completion, by the proposed HS2 line. Your Petitioner lives in that part of the Chilterns Area of Outstanding Beauty (AONB) which will be directly and adversely affected.
- 8 Your Petitioner's rights interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

Concerns

- 9 Your Petitioner is seriously concerned about the disruptions to his household which will result from the construction of the line and the dust, noise, hours of work, vibration, traffic movements, congestion and access problems and other implications during what will be a long period of construction. Your Petitioner needs to use the narrow lanes and roads which will cross and be affected by the construction of the proposed line including for shopping, recreation, medical services and rail. Your Petitioner further regards this network of narrow lanes in the AONB as a characteristic feature of the area and is also concerned about proposals to use some of these narrow country lanes for construction vehicles and access to the trace and to and from the A413 and elsewhere.
- 10 Your Petitioner is also concerned about the long term damage and permanent injury to and disruption of the visual impacts in the AONB of the construction of works authorised by the Bill and the operation of the line and particularly about the cumulative effect of environmental damage and disruption in the area between Mantles Wood and Wendover, where the Proposed Route is on the surface and is in an area which is designated as an Area of Outstanding Natural Beauty(AONB) 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.
- 11 Your Petitioner cannot therefore understand on what basis the Department for Transport and the Promoter of the Bill considers that it has the right to ignore the statutory and other obligations to protect the AONB or considers 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.
- 12 Your Petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and that this will place a further burden on the roads in this community, which are already under pressure.
- 13 Your Petitioner is concerned about the effects of noise and vibration, dust, dirt and air quality and the severe disruption to traffic arising from the construction of the high speed railway and associated works and that the operation of the high speed railway will give rise to noise and vibration in this tranquil area of the AONB. This would severely impact upon the use and enjoyment of the properties in this AONB area as well as on the neighbourhood's general amenities.

- 14 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 .
- 15 Your Petitioner is concerned that the emergency services will be unable to provide timely support due to road congestion, closures and diversions during the construction period.
- 16 Your Petitioner is gravely concerned that the building of the line coupled with the existing electricity pylons alongside the line will create an unacceptable visual impact along the AONB section of the line from Mantles Wood to Wendover.
- 17 Your Petitioner objects to the use of balancing ponds in the Chilterns AONB as they are not natural ponds and would significantly alter the character and visual aspects of this area.
- 18 Your Petitioner is concerned about the impact of the construction works on the chalk stream of the River Misbourne and the damage to the quality of drinking water supply by the construction works.
- 19 Your Petitioner is gravely concerned about the spoil to be excavated and arrangements for removal and storage of spoil within the AONB and in particular objects to the proposed spoil heap at Hunts Green , which if created, will take years to settle and become established and will, in any event, create a wholly artificial hill and an unacceptable scar in the AONB.
- 20 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.
- 21 Your Petitioner strongly objects to the diversions and closure of established public rights of way in the area which should all be retained and cross the line directly by footbridges and further that for, this section of the AONB, none of these bridges is to be Green Bridges despite the intentions of the Promoters to build Green Bridges elsewhere along the route.

Remedies

- 22 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 and remedy the various concerns of your Petitioner as listed above in the most appropriate manner.
- 23 Your Petitioner requests that the Select Committee give such instructions and secure such undertakings from the Promoter or changes in 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 as no other part of the line is within the AONB or has the statutory protection afforded to the AONB.

- 24 Your Petitioner particularly requests that the AONB be protected from the effects of this grave planning error by amending the Bill to require the construction of a tunnel through the whole of the AONB section of the proposed line, such as by adopting the tunnel proposals submitted by Chiltern District Council and the Chilterns Conservation Board or, if this is not acceptable, by extending the present tunnel proposals by adopting the CRAG T2 proposals, each with possible variations. These latter proposals have been referred to in the Environmental Statement and which has been accepted by DfT and HS2 Ltd, in that Statement, as both feasible and environmentally preferable and would ensure that the line passes through the whole of the AONB in a bored tunnel. This would substantially remove the adverse effects complained of in the remainder of this petition and the need for the proposed remedies otherwise required.
- 25 Your Petitioner requests that, if the proposal for a full tunnel throughout the AONB is rejected, then the following mitigation measures should be adopted and implemented:
- (a) That the South Heath Chilterns Tunnel Extension (referred to as the REPA tunnel in Vol 2 2.6.18 CFA 9), or a possible further extension of the same, be adopted, particularly as this also has acknowledged environmental benefits.
 - (b) That, if that is not accepted, then the line along this section of the line be housed within deeper cuttings to the levels originally proposed by the 2011 consultation, with sound barriers and bunds, where appropriate, to seek to reduce noise and to conceal the line and the gantries and that the power for the contractor to raise the line by up to 3 metres is excluded for the AONB section of the line.
 - (c) That the existing proposed green tunnel at Wendover be extended to the south and north of Wendover.
 - (d) That provision is made for constructing bridges where there are established rights of way, including making these Green Bridges, bearing in mind not only the need to retain trees and shrubs but for wild life access, particularly given that this is part of the AONB.
 - (e) That the speed of the trains be reduced as per the recommendation of the House of Commons Environmental Audit Select Committee Report, in order to help reduce the environmental impact and sufficient to ensure compliance with noise mitigation.
 - (f) That the Wendover Dean and Small Dean viaducts and adjacent embankments be of high quality infrastructure to be made as visually pleasing as possible, with enclosures where possible and with the maximum use of noise barriers on both sides, including boxing in if necessary.
 - (g) That the maximum amount of planting be used, 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.
 - (h) That the plans for the Hunts Green Spoil Dump is cancelled and that arrangements is made for the spoil to be removed from the area by rail or pipeline. Your Petitioner points out that, if the full tunnel proposal is adopted, then the amount of spoil involved for this section of the line will be substantially reduced and it would also all be removed at the Wendover exit of the tunnel.

- (i) That in relation to the balancing ponds, alternative sustainable urban drainage system techniques are considered in consultation with the local authority and that any ponds should not be artificially lined.
- (j) That in relation to the River Misbourne, and water supply, 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 impact is found.
- (k) That the pylons along this section of the line are removed and the power lines are reinstated underground.

26 Your Petitioner further 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 and that 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 and, in particular, that the Code or requirements in the Bill be so amended to enforce the following measures:

- (a) Restricting HGV movements to the period from 09:30 am to 03:30 pm throughout this section of the AONB.
- (b) Additionally prohibiting HGV movements along school routes between 08:00 am and 09:00 am and between 03:00 pm and 03:30 pm during school terms.
- (c) Prohibiting any widening or enlargement of the narrow minor lanes.
- (d) Constructing new roads for the contractors and vehicles to access the trace directly from the A413, and prohibiting the use of all existing narrow minor roads in the AONB by construction traffic.
- (e) That the Promoter and 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 to meet the highest standards applicable and controlled and that air quality is maintained.
- (f) Constructing such facilities as may be necessary to remove spoil from the AONB area, including by rail or by pipeline, to apply proper methods of dealing with spoil and avoiding the creation of the spoil dump at Hunts Green.
- (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 residents to raise any issues of concern arising during construction and in particular for road users to report any damage to the road, and the local and highway authorities should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.

- 27 Your Petitioner emphasises that the mitigation measures set out in paragraphs 22, 25 and 26 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 as referred to in paragraph 24 above.
- 28 The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement prepared by HS2 Ltd , it is inevitable that the construction of HS2 will disrupt the lives of the residents in the AONB, including that of your Petitioner , in ways which have not yet been considered.
- 29 For the foregoing and connected reasons, your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.
- 30 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, and his rights, interests and property and for which no adequate provision is made to protect your Petitioner.

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 he may be heard by his 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for his protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

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(LONDON-WEST MIDLANDS)
BILL

PETITION OF JONATHAN
MAXWELL BATTEN

AGAINST, By Counsel, &c.

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