

IN PARLIAMENT

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 Mr & Mrs I Denson

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 in the parishes of of Little Missenden, Great Missenden, Chartridge and The Lee, and to the clauses of the bill which would authorise these works.
- 8 Your Petitioners Mr & Mrs I Denson reside within the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as "the AONB").
- 9 Your Petitioners and their rights, property and interests are injuriously affected by the Bill, to which your petitioner objects for reasons amongst others, hereinafter appearing.

## Objections Outlined

- 10 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 petitioner nevertheless wishes to express his serious concerns regarding the business case of HS2 and the failure to take sustainability and the protection of the environment seriously.

The Governments 'National Planning Policy Framework' (hereinafter referred to as "NPPF") clearly states that there are three dimensions to sustainable development

- 1) An economic role
- 2) A social role
- 3) An environmental role

and that these three roles should not be undertaken in isolation because they are mutually dependent. There has been a lack of transparency from Government, but it appears that the business case for HS2 has relied disproportionately upon the promise of economic gain. It appears that this reasoning has been used to try and achieve national support for HS2. HS2 has been designed around the idea that speed, meaning faster journey times, will lead to substantial economic gains and regeneration, particularly in the North of England. Evidence for these claims has not been provided and it has since come to light (as a result of campaign pressure groups) that HS2 ltd had overvalued timesavings on train journeys. HS2 ltd now admits passengers do work on trains. Since this admission Government appear to have shifted focus and now seemingly promote HS2 on the basis of capacity (another contentious issue as Government are not being transparent regarding passenger numbers).

- 11 Your Petitioners believe poor assumptions, used to bolster the business case, lack of environmental surveys, lack of public involvement in the decision making process and failure to look at the three dimensions of sustainable development, set out in the NPPF, have led to the sustainability of this new national infrastructure project being viewed as less important than economic gains, which are possibly illusory. This in turn has led to the choice of an environmentally damaging route that would have significant local & national consequences.
- 12 HS2 bisects the Chilterns AONB at its widest part. Between Mantles Wood (the largest ancient woodland on the route) 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. Less than half the AONB is currently in a bored tunnel.

13 This area is designated as an 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. 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 (qualities that attract over 50 million visits a year - many from London residents)
- 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
- permanently and seriously reduce the ability of residents and visitors to enjoy the natural benefits of the area in which they live or visit

14 It is estimated that the value of this area is of the order of £500million to £750million. The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous both economically and environmentally.

#### *Environment*

15 Your Petitioners make extensive use of the recreational facilities afforded by the AONB, and strongly object to the following impacts of the project and requires the Bill be adjusted to remove them:

- Diversions of public rights of way, and reinstatement of some PROWs to run alongside the line.
- Destruction of woodland and in particular of Ancient Woodland. Ancient Woodland (sometimes referred to as UKs rainforest equivalent) represents an irreplaceable resource, and there is no evidence suggesting that translocation of Ancient Woodland is successful.
- The use of 'sustainable placement' in the AONB (at Hunts Green) which your petitioner regards as a failure to observe the waste hierarchy and ignores the policy that landfill should not be at a nationally sensitive site. This large-scale redesign of the landscape is incompatible with its status as an Area of Outstanding Natural Beauty.
- Continuing audible and visual intrusion of the railway in operation. The Zone of Theoretical Visibility of HS2 in the Environmental Statement shows it will be seen from across the Misbourne Valley. The noise impacts are inadequately mitigated, for those living in proximity to the line, with little done to address the impact on walkers, cyclists or horse riders, whose needs are hardly mentioned in the ES (Vol.2) reports covering the AONB (parts 7 to 10)
- Adverse effects on the ecology of the AONB, in particular on the bat and owl populations.
- The adverse effects on property values (blight spreading across the area), leaving local property owners bearing significant personal losses

*Construction*

- 16 Your Petitioners are 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, that are scheduled to last for more than 7 years and more than 3.5 years at their peak. Your Petitioners regularly drive through the AONB to access work, schools, shops and recreational facilities, and so will be directly impacted by traffic congestion throughout the area (and on the A413 in particular) for the duration of the construction works. Your petitioners regularly use the network of lanes in the AONB for recreation, and regard these as a major characteristic feature of the area, which should be protected for future generations. Many of these lanes cross the proposed route and will be diverted or interrupted during construction, some even being designated as construction traffic routes despite being wholly inappropriate.
- 17 New road layouts, straightening of ancient lanes, loss of hedgerows and other construction changes will lead to a significant change in character of the area.
- 18 As residents of an area adjacent to the construction zone, your Petitioners are also concerned that traffic seeking to avoid congestion will place a further burden on the already busy roads in the community, and would further aggravate the impact on his freedom of movement and quality of life.
- 19 Your Petitioners also request that the nominated undertaker be required to mitigate the remaining nuisances, by amending the Code of Construction Practice and funding its enforcement by the Local Authority, to strictly apply the following measures –
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).
  2. Operating a 'Park and Ride' scheme to transport construction workers, and enforcing this by not providing parking for contractors at the construction compounds.
  3. Constructing such facilities as may be necessary to remove excess spoil from the AONB by rail, so avoiding the creation of the spoil dump at Hunts Green.

*Health and Welfare*

- 20 Your Petitioners are gravely concerned that the emergency services will be unable to provide timely support to his family 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.

- 21 Your Petitioners request 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 irresponsible not to be prepared for any industrial accidents.
- 22 Your Petitioners are concerned that the dust and fumes from construction will have adverse health effects, as will exposure to excessive construction and construction traffic noise.
- 23 Your Petitioners have concerns about the effects of construction on drinking water resources for the AONB.

## Conclusion

- 24 Now that Government admit speed is a lesser priority, your petitioners request that the design for HS2 should be reconsidered, taking into consideration the three NPPF roles, economic, social and environmental. A reduction from the planned initial speed of 225mph to 185mph (as for HS1) would apparently increase the journey time between London and Birmingham by only a few minutes (3-5), but such a reduction in speed would allow HS2 to follow existing transport corridors and would have far less adverse environmental impact.
- 25 Your Petitioners highlight that the A413 in the Chilterns should not have been likened to the M6 & M42, by HS2 ltd, in the early stages of the decision making process. This comparison was misleading.
- 26 Your Petitioners believe that, the choice to cross the Chilterns AONB at its widest part (a choice made following desk based study, rather than fieldwork) and to actively choose not to avoid sensitive areas such as ancient woodland highlights some of the projects major failings with regards sustainability.
- 27 Your Petitioners request that the issues raised regarding sustainability be looked at in detail and a speed reduction for the line considered. Your Petitioners request that, if the route remains through the widest part of the AONB, then the AONB should be protected from the said effects by ensuring it passes throughout the AONB in a bored tunnel. This would substantially mitigate some of the adverse effects objected to in this petition.
- 28 Your Petitioners ask that the committee consider the formation of a compensation fund for local communities including Great Missenden.
- 29 Your Petitioners request that existing power lines be relocated underground as compensation.
- 30 Your Petitioners request that the committee look at drinking water supply/resources for the AONB to ensure that if there is temporary or permanent damage by HS2 construction that there is a comprehensive plan in place to deliver clean water to those affected.

- 31 Your Petitioners request that a funding provision be given to the local authority to help monitor and maintain newly planted woodland and hedgerows. An agreement should be made as to how many years this agreement should last.
  
- 32 There are clauses and provisions of the Bill, which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, property and interests and for which no adequate provision is made to protect your petitioners.
  
- 33 In light of the above, the Petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals, or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

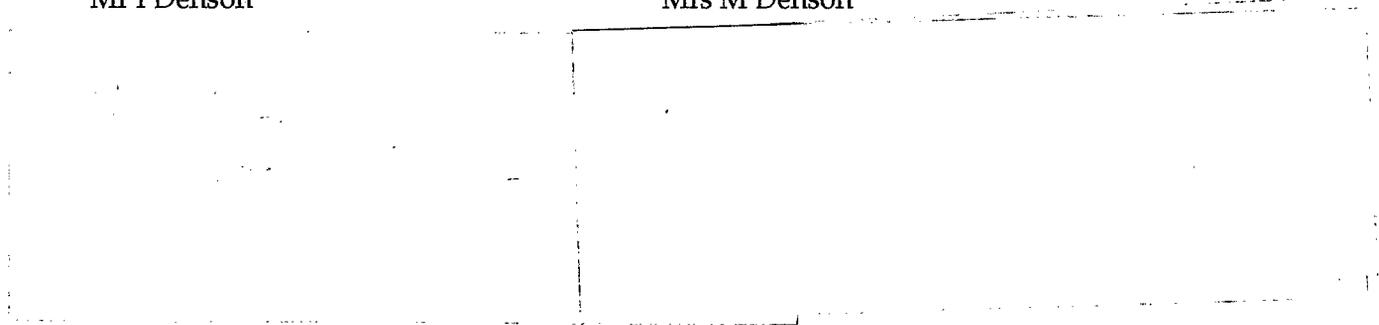
YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights 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.

[Signatures of Petitioners in person, or Agent for the Petitioner]

Mr I Denson

Mrs M Denson



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High Speed Rail (London to West Midlands Bill)

PETITION OF

FOR

AGAINST, By Counsel, &c.