

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill – 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 SHIRLEY ANN JUDGES

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. 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.
4. 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.
5. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
6. 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.

7. Your Petitioner is a resident of a property located in the village of Great Missenden, Buckinghamshire, which occupies the Metropolitan Green Belt and is situated entirely in the Grade 5 statutorily protected Chilterns Area of Outstanding Natural Beauty.
8. Your Petitioner and her rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Traffic

9. The village of Great Missenden lies in close proximity to the A413, and B485. Both these roads are proposed to be used under the Bill as routes for construction traffic. The Environmental Statement (ES) Volume 2 CFA9 predicts that:
 - i. *Construction of the Proposed Scheme will result in increased traffic flows from workers and construction vehicles accessing compounds and also temporary road closures and diversions. (12.4.12)*
 - ii. and that:
 - iii. *Increased traffic during the most intensive periods of construction will cause additional traffic congestion and delay at a number of junctions in the area including at the A413 London Road with A4128 Link Road; A413 London Road with B485 Frith Hill; B485 Frith Hill/Chesham Road with Frith Hill; King's Lane with Frith Hill/Ballinger Road and Potter Row; B485 Chesham Road with King's Lane and B485 Chesham Road with Hyde Heath Road. (12.4.29)*
10. Your Petitioner also uses roads which are identified in the ES Non-technical Summary as being affected by traffic congestion: numerous junctions with the A413 in CFA8 around Amersham and in CFA10 (p.93) between Great Missenden and Wendover. In addition, in CFA11 (p.100) delays are predicted on the A4010 Risborough Road and A4010 Stoke Mandeville Bypass, resulting in difficulty accessing Stoke Mandeville Hospital.
11. It is expected that the construction sites feeding onto the B485 and onto the A413, between Little Missenden and the SE corner of Wendover alone, will generate 1270 HGV and 3800 LGV movements per day. To this must be added the large numbers of vehicles from the Amersham and Stoke Mandeville construction sites if any impression is to be gained of the cumulative effect upon residents of Great Missenden and other local villages in trying to go about their normal, routine business. These conditions will persist over a number of years, and therefore cannot be considered as temporary.
12. The aforementioned routes are used regularly by your Petitioner to access shopping facilities and other services such as libraries, theatres, garden centres and medical facilities in Aylesbury, Wendover, Chesham, Amersham and Beaconsfield and beyond. In addition, the A413 is also the most direct way to get to the M40 south at Beaconsfield and on to the M25 for access to and from Heathrow, Luton or Gatwick, either by private car or by taxi

13. It is the route used by your Petitioner to get to the hospitals in Amersham and Stoke Mandeville, the latter being the area centre for trauma cases, some with life-threatening injuries. The A413 is the only direct and efficient route for emergency ambulances carrying patients from all the villages adjacent to the A413, including Great Missenden, to A&E at Stoke Mandeville. This journey also involves travelling along the A4010 Stoke Mandeville bypass, which will also be significantly affected by closures and congestion over a number of years. There is therefore considerable concern about unimpeded access to Stoke Mandeville Hospital, particularly for emergency ambulances. This concern extends also to the need to get to outpatient appointments on time, and to be able to return home without undue delay because of traffic congestion, having been seen by doctors, nurses and other staff who have likewise been able to get to work without the stress and frustration of sitting in traffic queues.
14. Your Petitioner is also concerned that the Bill does not guarantee that construction traffic will be kept off Nags Head Lane, a narrow lane running through the residential area in which she lives. If no such guarantee is given, residents will be subjected to the traffic congestion, noise and increased air pollution associated with construction vehicles and other vehicles using Nags Head Lane as rat runs to escape traffic congestion on the A413.
15. Windsor Lane and Nags Head Lane are the primary routes through Little Kingshill to Great Kingshill, and on to High Wycombe and the northbound access to the M40, or from Great Kingshill to Prestwood and on to Princes Risborough. Neither road is suitable for HGVs. Residents are concerned that construction traffic and other vehicles will access Windsor Lane and Nags Head Lane from the A413, via Deep Mill Lane or via the old London Road exit at the Chiltern Hospital, to avoid the predicted congestion. This would cause an intolerable amount of traffic along Nags Head Lane over several years, with the associated disruption and health risks from air pollution. Your Petitioner habitually enjoys the peace and tranquillity afforded by residing a village situated in the Metropolitan Green Belt and the Chilterns AONB. She is anxious to preserve that peace and tranquillity during the construction and operation of the HS2 railway.
16. Under no circumstances should any construction vehicles or construction workers' traffic be allowed to enter Nags Head Lane and the Bill should be amended accordingly to make a binding commitment to this.

Health concerns

a) Access to Stoke Mandeville hospital

17. Your Petitioner suffers from inoperable pancreatic cancer and is under the care of the medical team at Stoke Mandeville. She is about to start chemotherapy. Her life expectancy is uncertain but if the chemotherapy is successful she may live for several years. If so, she will require regular check-ups and further procedures at Stoke Mandeville. Delays in access to the hospital will, at the least, cause your Petitioner additional stress and discomfort and at worst could place her life in jeopardy.
18. For all the reasons stated above, your Petitioner relies heavily upon the A413 and A4010, such that the cumulative effect of the extra construction traffic causing congestion along the route from Amersham to Aylesbury will significantly impede her in going about her usual business, especially when she has to get to her destinations at a particular time and specifically in the case of hospital appointments.

a. b) Pressure on local health services

19. It is also a matter of concern to your Petitioners that their local GP and hospital services will be expected to deal with the extra patient load generated by the workforce on the construction sites in the locality, thus placing extra strain upon the already over-stretched National Health Service provision.
20. Your Petitioner needs binding assurances that, before any construction workers are moved into the area, there will be extensive discussion and consequent agreement with NHS managers, to ensure that sufficient increased funding and the necessary number of trained personnel are in place, both in GP practices and the hospital service, to cope with the extra load upon the NHS.
21. If, for any reason connected with the construction of the railway, obstruction to the free passage of emergency ambulances on the route to Stoke Mandeville Hospital is anticipated, a fully funded and operational A&E unit at Wycombe Hospital should be reinstated before any construction work begins, with a back-up, fully funded air ambulance service for cases that need to be transported out of the area, in the case of your Petitioner to the Churchill Hospital, Oxford.

a. c) Air quality

22. Your Petitioner suffers from asthma. The increased air pollution that will result from the extra number of vehicles, and the emissions from idling engines in queues of traffic will compromise her health and that of other Great Missenden residents, who will have to live for several years in these conditions. Having to drive close to numerous construction sites will add airborne dust to these risk factors.
23. Your Petitioner will be likewise adversely affected by disruption, air pollution and traffic congestion during the construction phase of the high speed railway on the B485 that connects them via A413 to Chesham. In addition to the above inconveniences and hazards, this road will be subject to re-alignment over the South Heath green tunnel and the imposition of a new roundabout junction with King's Lane. There will be a huge amount of construction activity adjacent to this route, making it difficult for Great Missenden residents to negotiate for several years (ES Vol. 2 CFA9 report 2.3.46, 2.3.50, 2.3.56, 2.3.59, 2.6.64).
24. Your Petitioner submits that all worksites should be screened to reduce the visual impact of the sites upon the residents and businesses within your Petitioners' area, as well as to help reduce the impact of noise and dust from the worksites. Your Petitioner requests that the Local Authorities should be consulted upon the design and structure of the planned screens for each worksite within its area so as to ensure that the screens are effective and do not impact any more than is necessary upon the local area.
25. Your Petitioner requests that Local Authorities should have responsibility for monitoring air quality, both at construction sites and in the surrounding area, and should have effective powers to ensure that air quality requirements are adhered to.

Impact on the countryside and Public Rights of Way (PRoW)

26. In addition to traffic congestion during the construction of HS2, woodland, including ancient woodland and the open countryside on the opposite side of the Misbourne

valley to Great Missenden will be destroyed and Public Rights of Way will also be impacted by the Bill. The ES Volume 2 CFA9 states that:

- i. *There will be minor adverse effects on non-motorised users due to increased travel distance from eight PRow and two road diversions for a period of up to two years at GMI/79/1 & 2, GMI/12/1 (footpath), Frith Hill, GMI/80/1 (footpath), GMI/23/6, GMI/28/1 & 2 (footpath), GMI/33/3 (footpath) and Hyde Lane. The majority of the diversions are between 100 and 400m in length, apart from the diversions at GMI/33/3 (footpath) of 750m and Hyde Lane of 900m. There will be a moderate adverse effects due to the diversion of LMI/17/2 (footpath) by approximately 1.5km for a period of up to a year. (12.4.22)*
- ii. *Temporary closure and associated diversion of nine PRow and two roads (GMI/79/1 & 2, GMI/12/1, Frith Hill, GMI/80/1, GMI/23/6, GMI/28/1 & 2, GMI/33/3, Hyde Lane and LMI/17/2), during construction will affect non-motorised users due to the increased travel distances required by associated diversions. (12.4.32)*
- iii. *There will be minor adverse effects on non-motorised users due to increased travel distance resulting from the permanent realignment of eight PRow and two roads at GMI/2/1 (footpath), GMI/13/3 (footpath), King's Lane, GMI/33/4 (footpath), GMI/33/2, GMI/33/3 (footpath), B485 Chesham Road, GMI/27/1 (footpath), GMI/23/7 (footpath), LMI/21/1 (footpath). The majority of realignments are less than 400m in length, apart from GMI/2/1 (footpath) at 550m, LMI/21/1 (footpath) and GMI/23/7 (footpath) at 700m and GMI/13/3 (footpath) at 750m. (12.5.8)*

27. When asked, as part of the Community Vision exercise in 2009, what they valued about living in Great Missenden the majority of respondents put the beauty of the surrounding countryside and the ease of access to it at the top of their lists. As a resident of the Chilterns AONB your Petitioner enjoy the peace and tranquillity which surrounds her home and extends for miles around; indeed that is why she and her family chose to live here. Your Petitioner was a member of the Chilterns Conservation Board, which has a statutory responsibility for conserving and enhancing the AONB and is a member of the Chilterns Society. She and her family regularly walk through the woodlands surrounding her home and along the many Public Rights of Way (PRow) in on the far side of the valley, in the rea of Hyde Lane, Hyde Heath and South Heath. It is a matter of considerable dismay to her that large areas of woodland, including ancient woodland, and open countryside on the other side of the valley will be destroyed and the above PRow will be disrupted by the Bill during construction of HS2, making it an untenable proposition over a period of several years to walk in the countryside or to use the PRow. During operation of the railway it is unlikely that anyone will want to venture anywhere near the tracks for exercise and recreation, because of the noise and disruption from up to thirty-six passing trains per hour. This represents a considerable loss of amenity to your Petitioner.

Property blight

28. There has already been extensive property blight in the area, particularly in South Heath and Hyde Heath. The value of your Petitioner's properties has likewise been adversely affected. It is likely that the impact will be much greater during the construction phase of the project. Your Petitioner's home has 21 steps up to the front

door. She is concerned that should she need to sell her property because of her illness it may be difficult to do so, even at a reduced price. Restrictions on eligibility for compensation suggest that even though the value of her home and hence her ability to purchase suitable alternative property may be adversely affected she may not receive compensation for the loss. She is afraid that, during the protracted construction phase, she will either be literally trapped in an unsaleable property and unable to go out because of the steps; or be forced to accept significantly below the un-blighted market value in order to be able to move, which would make it impossible to find a suitable property in the area – where she needs to be in order to ensure continuity of her medical care.

29. Your Petitioner requests that the current property compensation arrangements are independently reviewed, to make full and fair compensation immediately available to anyone who has a need to move from a blighted property, irrespective of distance from the centre of the line. Currently, HS2 Ltd. is the sole arbiter of decisions about exceptional hardship or need to sell, and so far has not been sympathetic to genuine need. There should be independent scrutiny of such decisions and HS2 Ltd., with its vested interest, should be excluded from the process. If there are insufficient funds in the HS2 budget to provide full compensation to every blighted household, the project should be abandoned. Affected property owners should not be expected to put their lives and careers on hold, trapped for years in unsaleable houses, or to subsidise the project by accepting substantial financial losses in order to sell a home that is no longer suited to their needs.

Impact on Great Missenden

30. Your Petitioner considers that the AONB railway route, design and construction contradicts:
- i. 13.1 Paragraphs 115 and 116 of the National Planning Policy Framework (NPPF), which requires developers to ensure that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”;and
 - ii. 13.2 fails to discharge the duty imposed on the Secretary of State for Transport pursuant to section 85(1) of Countryside and Rights Of Way Act 2000 to “have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

31 Great Missenden is central to the wider AONB economy, including tourism. Your Petitioner is concerned at the lack of any attempt by the promoter to consider the negative impact of the scheme on village retail businesses, the AONB tourist industry and on Great Missenden in particular. This is particularly evidenced by the omission of any reference to tourism in the CFA9 section of the Environmental Statement (ES) deposited with the Bill.

32 Independent retail businesses in Great Missenden estimate that on average >50% of their annual turnover comes from visitors to the village including AONB tourists. Your Petitioner is concerned that the promoters of the bill have no understanding of why Great Missenden has this concentration of businesses and what impacts the construction of the route and its operation will have on patterns of shopping, access to essential services in the village and on visitor numbers. Evidence from eg. local road improvement projects, demonstrates that the village centre and its businesses are extremely vulnerable to the disruptive impact of construction, route diversions and road closures, but none of this is even considered

by the promoters of the Bill in the Environmental Statement (ES) deposited with the Bill.

33 Your Petitioner is concerned that the ES fails to recognise the particular importance and sensitivity of Great Missenden in the AONB arising in part from its proximity and ease of accessibility from London and position as an important "gateway" to the AONB and which is recognised by the Chilterns Conservation Board, the statutory body with responsibility for protecting and enhancing the AONB.

34 Your Petitioner objects to the negative impact on Great Missenden's businesses, arising from the promoters' current local route alignment including tunnel portal at historic Mantles wood, extensive surface works, "sustainable placement" areas for spoil, cuttings and green tunnel.

35 Your Petitioner is particularly concerned about the cumulative impact of these negative effects on Great Missenden. The loss of visitors to the area will affect the local economy as a whole, not just the businesses acatering for them. At present all your Petitioners needs – from asthma medication, banking facilities, the Library and Post Office, groceries and even funeral services – can be met in Great Missenden. Like many local people, especially older ones, your Petitioner finds it convenient to use Great Missenden to provide for almost all her needs – the one exception being shoes. If the village economy is undermined as seems inevitable with the current proposals, and businesses start closing, it will represent a serious loss of amenity to your Petitioner, especially given her illness.

36 Your Petitioner therefore begs that a proper Tourism Survey should be carried out in the local area by Tourism South East to assess the impact of the proposals on the local economy.

37. She further begs that a Community Fund should be established to counter the deleterious effects of the HS2 proposals on the local economy.

Mitigation – an extended tunnel through the Chilterns

38 In view of the extensive deleterious effects on her home, those of her neighbours and the surrounding area of the proposed high speed railway during both operation and construction, your Petitioner proposes that the Bill is amended to provide the longest possible tunnel underneath the whole of the Chilterns Area of Outstanding Natural Beauty. This would remove many of the adverse effects of the proposals, including much, if not all, the construction traffic from the roads that your Petitioner habitually uses, and would minimise the amount of any extra traffic along Nags Head Lane.

39 Even with the provision of such a tunnel, the Bucks. County Council Highways authority in consultation with the emergency services, the Public Health officers and the relevant district Environmental Health Officers should be given the funding and the powers necessary to monitor the volume of construction traffic and dust and vehicle emissions and to regulate or call a halt to traffic movements where there is a danger to the health of the community, or any risk to the free movement of emergency vehicles.

40 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the relevant clauses of the Bill are amended as proposed above, so far affecting your Petitioner, it should not be allowed to pass into law.

41 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, interests and property and for which no adequate provision is made to protect your Petitioners.

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 she 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 Petitioner 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 Petitioner will ever pray, &c.

Signature of Petitioner: , ,

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HOUSE OF COMMONS
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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF
SHIRLEY JUDGES

AGAINST, By Counsel, &c.

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