

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 JOHANNA JANE FREE

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 Your Petitioner lives at Kings Ransom, Kings Ash, Buckinghamshire HP16 9NP ("your Petitioner's home"). Your Petitioner is the joint freehold owner of your Petitioners' home with her Mother, Mrs Reina Free.
- 8 Your Petitioner's home is located 660 metres from the centre of the track. There are no buildings between your Petitioner's home and the track. (Source HS2 Maps CT-10-019). The land on the west side of your Petitioner's home falls away to the valley floor and noise from the valley is funnelled up to your Petitioner's home.
- 9 Your Petitioner uses Rocky Lane, Chesham Lane, Kings Lane, Leather Lane, Potter Row, Frith Hill -South Heath Leg, the B485 and the A 413 for access to local services, including the railway, shops and health services, as well as for gaining access to destinations beyond via the A413. Regular closure of these roads and their use by construction vehicles during the period of construction of the works authorised by the Bill will result in your petitioner being isolated from these services and in delays which will increase the time and cost taken for your petitioner to access them.
- 10 Your Petitioner is a regular user of Kings Lane and Rocky Lane and the network of footpaths in the area for recreational purposes. The proposed works to the west of Kings Lane will lead to your Petitioner suffering from visual pollution, noise pollution and from loss of a recreational facility both from the construction and from the operation of HS2.
- 11 Your Petitioner has lived in the Chilterns Area of Outstanding Beauty (AONB) at the Petitioner's home all her life.
- 12 Your Petitioner's rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing. Your Petitioner will look to the Promoters for full compensation for all injuries should the Bill pass in its present form.

13 Injurious effects of the Bill

13.1 *The Chilterns AONB*

13.1.1 Between Mantles Wood and Wendover the Proposed Route is on the surface and includes sections in shallow cuttings, on two viaducts, on embankments and in two green tunnels. This area is designated as an Area of Outstanding Natural Beauty 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 and permanently and seriously reduce the ability of your Petitioner to enjoy the natural benefits of the area in which she lives.

13.1.2 It has been estimated that the Landscape 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. Your petitioner requests that the AONB be protected from the effects of this grave planning error by directing the Nominated Undertaker to ensure that the line passes through the AONB in a bored tunnel such as the CRAG T2 Tunnel, which has been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable. This would remove the adverse effects complained of in the remainder of this petition, and the need for the proposed remedies.

13.1.3 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.

13.2 *Noise during train operation*

13.2.1 Your Petitioner is concerned that the operation of the high speed railway will give rise to noise in this tranquil area of the AONB. Noise would severely impact upon the use and enjoyment of your Petitioners' home which looks down on to the large and high viaduct at Durham's Farm.

Your Petitioner understands that apart from being very irritating and interfering with the enjoyment of the tranquillity of her home and garden, the episodic noise which high speed trains will emit for short periods every few minutes at peak periods, is shown to have adverse health effects for those exposed to it.

Your Petitioner has lived in this area all her life and enjoys spending time outdoors and undertaking outdoor pursuits. Your Petitioner does not wish to

live in an area where the only respite from anti-social and potentially harmful noise is behind triple glazing in her home.

- 13.2.2 Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be heard in the Petitioner's home or garden and there are no other adverse effects. This should include suitable sound barriers which ensure compliance with World Health Organisation's ('WHO') acceptable peak sound levels, particularly along the open and raised sections of the line, including viaducts and embankments.

Your Petitioner requests that there should be binding mitigation measures, including an effective noise mitigation and monitoring system, in place before commencement of operation of the high speed railway and associated development.

The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled "HS2 and the Environment thirteenth Report of Session 2013-2014" dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.

Your Petitioner is gravely concerned that even with the best international sound mitigation techniques, the noise will not be mitigated sufficiently to allow your Petitioner, and the many thousands of visitors to the Chiltern AONB, to enjoy the peace and tranquillity of this area as it is now. Your Petitioners therefore requests that, to achieve the required level of mitigation, the Nominated Undertaker should be compelled to construct a bored tunnel through the whole of the Chiltern AONB section of the proposed line as mentioned above.

13.3 *Visual Pollution*

- 13.3.1 The views from your Petitioner's home and garden include views of one of the most beautiful valleys in the Chiltern AONB. The surface route of HS2 through this area is over a viaduct of approximately 500 metres which is 18 metres above the ground. This design for the line in this area is surely the worst and least sympathetic design possible, causing the decimation of the fine views in this valley which is recognised and legally protected as being part of an AONB.

13.3.2 Your Petitioner requests the nominated undertaker should be compelled to extend the present tunnel proposals by adopting the CRAG T2 proposals, or adopting other alternative full tunnel proposals or variations of the same to ensure that the line passes through the whole of the AONB in a bored tunnel. This is the only way such visual devastation can be mitigated.

13.4 *Construction traffic*

13.4.1 Your Petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures throughout the section of the proposed line which is in the AONB and in the Misbourne Valley in particular. Your Petitioner regularly drives through the AONB across the proposed line to access the Great Missenden railway station to commute to her work, and for access to Great Missenden and Wendover to shop and for recreational and for the medical facilities and otherwise to gain access by car or train to London and other areas outside the AONB and so will be directly impacted by traffic congestion throughout the area for the duration of the construction works.

Your Petitioner regularly uses the network of narrow lanes in the AONB which will cross the proposed line or run adjacent to it, including Leather Lane, Frith Hill (South Heath leg) Potter Row, Kings Lane, Bowood Lane and Chesham (Rocky) Lane, for the above and for recreation and leisure purposes and regards these as a characteristic feature of the area which should be protected in accordance with the Countryside and Rights of Way Act 2000.

Your Petitioner is also concerned that traffic seeking to avoid congestion during the construction period will place a further burden on the roads in this community, which are already under pressure.

13.4.2 Your Petitioner requests that the nominated undertaker should be required to mitigate these nuisances by adopting the South Heath Chilterns Tunnel Extension (referred to as the REPA tunnel in Vol 2 2.6.18 CFA 9), particularly since this has acknowledged environmental benefits. This REPA tunnel will avoid the necessity of using Potter Row and other small roads and lanes in the area for construction traffic.

If such tunnel mitigation is not adopted then your Petitioner requests that the nominated undertaker be required to amend the Code of Construction Practice to enforce the following measures:-

- a. Restrict HGV movements to the period 09:30 – 15:30 throughout this section of the AONB.
- b. Additionally prohibit HGV movements along school routes between 15:00 and 15:30.
- c. Prohibit any widening or enlargement of the narrow minor lanes

- d. Construct new roads to access the trace directly from the A413, and prohibit the use of all existing narrow minor roads in the AONB by construction traffic.
- e. Operate a 'Park and Ride' scheme to transport construction workers along the trace, and enforce this by not providing parking for contractors at the construction compounds.
- f. Construct such facilities as may be necessary to remove spoil from the AONB by rail or by pipeline, so avoiding the creation of the spoil dump at Hunts Green.
- g. During construction, the nominated undertaker must be responsible for maintaining the quality of all roads used during and after construction the roads must be returned to their original size and character and all damage repaired by the nominated undertaker.
- h. A hotline should be set up allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.

13.5 *Access for Emergency Services*

- 13.5.1. Your Petitioner is gravely concerned that during the construction period of 7 to 8 years there will be major disruption for vehicles from the emergency services accessing your Petitioner's home. The temporary closure of Frith Hill, Leather Lane and the inevitable traffic congestion in surrounding lanes will greatly increase the response times for Emergency Services particularly ambulances.
- 13.5.2 Your Petitioner requests that a fully funded air ambulance must be made available to those living in The Lee and neighbouring areas to guarantee emergency medical access.

13.6 *Access to Local Services*

- 13.6.1 Your Petitioner is concerned that road closures and diversions at South Heath and Leather Lane and increased traffic congestion in the area will greatly increase journey times to Great Missenden, Amersham, Chesham and Wendover which are accessed by residents on a daily basis for facilities such as shops, the railway station and medical appointments.
- 13.6.2 Your Petitioner requests that there is a cessation of work each day during the period Monday to Friday between the hours of 07.00 and 09.00 and after 16.00.

13.7 *Public Rights of Way*

13.7.1 Your Petitioner objects to the Bill because of the temporary closure of certain footpaths. Your Petitioner uses these for recreational purposes.

13.7.2 Your Petitioner requests that that the Public Rights of Way are not closed for any period of time.

13.8 *Property Blight*

13.9.1 Your Petitioner is concerned that all residents in the area are experiencing significant property blight and many are now trapped in unsellable houses.

13.9.2 Your petitioner requests that a fair property purchase scheme is extended to all properties in the area.

14 *Support for Other Petitions*

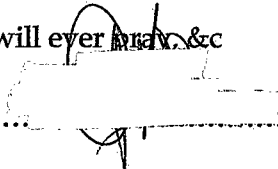
14.1 Your Petitioner supports the Petitions submitted by other parties for the "CRAG T2 Tunnel" and for other fully bored tunnels for the length of the Chilterns Area of Outstanding Natural Beauty.

14.2 Your Petitioners also support the Petitions submitted by other parties for an extension to the fully bored tunnel from Mantles Wood to Leather Lane.

15 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 Petitioner.

YOUR PETITIONER 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 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 the Petitioner:.....

(To be endorsed on back)

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HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF JOHANNA JANE FREE

AGAINST, By Counsel, &c.

Kings Ransom

P

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