

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 Dr. PHILIPPA WREN MORETON
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 Petitioners

- 7 Your Petitioner, **Dr. Philippa Wren Moreton**, is a freehold owner of Little Hundridge Farm, Hyde End, near Great Missenden who will be directly and specially affected, by both the operation and construction of the proposed HS2 line.
- 8 Your petitioner's property is located in close proximity to the proposed railway works between Hyde End and Wendover (Construction Maps CT-05-033, CT-05-034b and CT-05-035). Your Petitioner lives in that part of the Chilterns Area of Outstanding Beauty (AONB) which will be directly and adversely affected.
- 9 Your petitioner uses South Heath, Potter Row, Frith Hill and Leather Lane to access local services, including the railway, shops and health services, as well as for gaining access to the A413 and beyond. 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 has lived in the Chilterns Area of Outstanding Beauty (AONB) for nearly 35 years and was attracted to the area by its beauty. Your Petitioner frequently walks the footpaths around the villages of The Lee, Swan Bottom, Hunts Green and South Heath. These public rights of way will be stripped of their rural nature and tranquillity by HS2. Your Petitioner and her family will also suffer years of disruption and difficulty from the construction of HS2.
- 11 Your petitioner is a general practitioner in a practice based in Wendover and provides medical services for patients living in South Heath, Potter Row, The Lee, Kings Ash, Wendover, Ellesborough and Stoke Mandeville. Your petitioner routinely does home visits from her practice in Wendover to patients living in the above area, including patients requiring emergency medical services. Patients have been accepted on to your petitioner's personal list on the basis that they live close enough to the practice in Wendover to make it feasible that your petitioner can respond to urgent requests for medical help in a reasonable amount of time. Regular closure of these roads and their use by construction vehicles during the period of construction of the works authorised by the Bill could result in your petitioner being overwhelmed by the delays and difficulties in reaching patients who require medical care. Your petitioner is very concerned that she will not reach patients quickly enough in an emergency.
- 12 Your petitioner is concerned that the construction and operation of HS2 will adversely affect the health of her patients and increase her daily workload. The majority of her patients are directly affected by the proximity of HS2 and the ensuing problems with their health will directly increase the volume of her work. In particular the dust and affect on air quality is likely to have a significant

adverse affect on patients with heart and lung conditions, in particular asthma and chronic obstructive airways disease. The dust will be significantly increased by the storage of chalk, its drying out and the prevailing south-west wind which will direct the dust into the centre of Wendover.

Already your petitioner has been adversely affected by an increase in patients suffering anxiety and depression secondary to worries about HS2 and she expects that the numbers of these patients will rise if and when work starts. The expected noise, vibration and light pollution will contribute to low mood and poor concentration in the daytime and sleep deprivation at night. This will have a serious negative effect for patients with mental health problems, particularly anxiety and depression. Your petitioner will be personally affected and likely to feel additional worry and stress by the additional time needed to care for these patients.

13 Your petitioner is also concerned about the strain placed on her at work by the need to provide medical services for the influx of construction workers.

14 Your Petitioners' rights interests and business are injuriously affected by the Bill, to which your Petitioners object for reasons, amongst others, hereinafter appearing.

Your petitioners concerns

15 Your petitioner is concerned about the serious and injurious effect of the currently intended proposals for HS2 in the area between Mantles Wood and Wendover. Your petitioner notes with concern that the current proposed route alignment, in this area, involves a design on the surface and includes sections in shallow cuttings, on two viaducts, on embankments and in two green tunnels. This will have a major impact on air quality, dust, noise and vibration. This area should be protected as it 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 notes that the Chilterns AONB is the only AONB on the entire proposed route of Stage 1 or Stage 2 of HS2.

16 Your Petitioner is concerned that the Promoter of the Bill has ignored the obligations to protect the AONB, and is at a loss to understand how they consider 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. Your petitioner requests that changes be made to 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. No other part of the line is within the AONB or has the statutory protection afforded to the AONB.

17 Your Petitioner is gravely concerned about the 'sustainable placement' of spoil in the AONB at Hunts Green as contravening the provisions protecting the AONB in the 'Countryside and Rights of Way Act 2000'. This large scale redesign of the

landscape is incompatible with its status as an Area of Outstanding Natural Beauty

- 18 Your Petitioner contends that she will have considerable problems providing medical services for her patients, the majority of whom live close to the proposed HS2 route during the nine-year period of construction when there will be many local road closures and delays from construction traffic. Your petitioner's ability to provide home visits and respond to medical emergencies will be seriously affected and this will place a great strain on your petitioner.
- 19 Your petitioner is concerned that the construction and operation of HS2 will have an adverse effect on the health of her patients and increase the workload for your petitioner. Your petitioner provides medical services for the residents of Woodlands Park, a care home for thirty patients with dementia almost adjacent to the sustainable displacement of spoil at Hunts Green. These are frail, elderly patients with dementia. The noise and sleep disruption could have a seriously adverse affect on their already fragile mental health. Many of the residents also have chronic lung and heart disease and they will be adversely affected by dust and air pollution. In addition to the residents of Woodlands Park, your petitioner is concerned about a number of her patients registered with the practice and living near the sustainable placement of soil in Hunts Green who already have serious heart and lung disease. Their health is also likely to be seriously affected from the increase in dust and deterioration in air quality.
- 20 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 the various concerns of your Petitioner as listed above
- 21 Your Petitioner requests that AONB be protected from the effects of this grave planning error by amending the Bill to require the construction of a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover. This could be achieved by extending the present tunnel proposals by adopting the CRAG T2 proposals, with possible variations. These 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 to 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.
- 22 Your petitioner requests that, if the proposal for a fully-bored tunnel as described above 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) 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 is 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
- 23 Your petitioner submits that the tunnel proposals referred to above would substantially reduce the adverse effects complained of in the remainder of this petition and the need for the proposed remedies otherwise required. Your Petitioner requests that if the proposal for a fully-bored tunnel is rejected, then the following mitigation measures should be adopted and implemented.

Construction traffic

- 24 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. There will be severe disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413, the B4009 and the A41. Such impacts could have a highly adverse impact upon your petitioner's ability to reach housebound patients in need of medical care. Your petitioner further submits that these local roads are not suitable for intensive use by Heavy Goods Vehicles and her patients living in this area could be seriously at risk because of the negative effect of noise and dust on their health.
- 25 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.
- 26 Your Petitioner therefore requests that construction traffic be prohibited from using all roads except the A413 and A416 and use of these roads be agreed with the appropriate highways authority through a binding traffic management plan.

Noise during construction and train operation

- 27 Your Petitioner is concerned about the effects of noise arising from the construction of the high speed railway and associated development including heavy lorry traffic which will affect the tranquillity of her dwelling and is likely to adversely affect the health of your petitioner's patients thereby increasing her volume of work. In particular, your petitioner is concerned about the affect of noise on patients already suffering from anxiety, depression and insomnia due to concerns about HS2. Noise from machines digging green tunnels, moving spoil, constructing embankments will lead to many of her patients being unable to concentrate during the day or sleep at night. In particular the projected night time noise will be substantially above the World Health Organisation guidelines.

Your Petitioner is also concerned that the operation of the high speed railway

will give rise to noise which will continue to affect her patients. The constant noise will also affect your petitioner's ability to use and enjoy her property and the surrounding area.

- 28 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 felt in the properties 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.
- 29 Your Petitioner requests that there should be binding mitigation measures, including an effective noise mitigation and monitoring system, in place before commencement and during construction and operation of the high speed railway and associated development.
- 30 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.
- 31 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 32 Your Petitioner therefore requests that Clause 35 and schedule 25 are deleted from the Bill.

Vibration during construction and train operation

- 33 Your Petitioner is concerned about the effects of vibration arising from the construction of the high speed railway and associated development including heavy construction traffic. Your petitioner is concerned that vibration may have a serious impact upon her patients. Your petitioner has particular concern for those patients that are frail and elderly who often have difficulties with their balance and mobility. Vibration due to heavy construction traffic could lead to anxiety and loss of confidence and ultimately their ability to live independently. This will increase the workload for your petitioner.
- 34 Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques and the highest level standards of in the

construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in the properties including design adjustments to the ballast and track design to minimise potential for vibration. Your petitioner notes with concern that HS2 Ltd have not, so far, released details of the model used to predict groundborne noise and would urge that these be published and subject to independent peer review before being used as a basis for forecasts in this area.

Dust and dirt during construction and train operation

35 Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on her patient's health, particularly those patients with asthma, allergies and lung disease. Dust is likely to cause serious exacerbations for these patients and will lead to an increase in demand for home visits from your petitioner who will have to arrange more hospital admissions.

36 Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.

37 Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.

38 Your Petitioner requests that the nominated undertaker provides forecasts showing the quantity and type of emissions that the construction will create based on the guidance on the "*Planning for Mineral Extraction in Plan Making and the Application Process*" issued on 6 March 2014.

39 Your Petitioner requests that there is a requirement to carry out additional mitigation if dust becomes a nuisance to the properties and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement for additional expense caused by dust and dirt.

Air Quality

40 Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development. Your petitioner is concerned that poor air quality could have major health implications for her patients with heart and lung disease. Your petitioner is particularly concerned about the air quality impacts of the Sustainable Placement Area at Hunts Green Farm where she provides medical services for several residents with severe lung disease.

41 Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority and plan drafted to ensure ongoing compliance with minimum standards for air quality, subject to oversight and enforcement by Chiltern

District Council.

Code of Construction Practice

- 42 Your Petitioner is concerned that the nominated undertaker's ongoing accountability to is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective. However, the Code of Construction Practice has no legal status.
- 43 Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts.
- 44 The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with Chiltern District Council. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice

Finance for monitoring

- 45 Your petitioner is concerned that there is no measurable independent method of monitoring compliance by the contractors and other bodies in connection with the above concerns relating to noise, vibration, dust and other construction matters.
- 46 Your Petitioner requests that Chiltern District Council should be provided with funding to undertake this responsibility and generally for compliance and enforcement for the monitoring of all the foregoing matters and be entitled to bring matters before Parliament where incidents of serious or repeated non-compliance occur.

Spoil and sustainable placement at Hunts Green

- 47 Your Petitioner is gravely concerned about the 'sustainable placement' of spoil in the AONB at Hunts Green as contravening the provisions protecting the AONB in the 'Countryside and Rights of Way Act 2000'. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding Natural Beauty
- 48 Your Petitioner is concerned that the proposals for a Sustainable Placement Area will be highly damaging to the local area and adversely affect the health of her patients living in Hunts Green, which will put a strain on your petitioner's ability

to provide medical services for her patients.

49 Your petitioner submits that the proposed location for millions of tons of excavated spoil is wholly inappropriate and is not even necessary to construct the high speed line. A tunnel solution would remove the need for this Sustainable Placement Area. Your petitioner submits that consideration of the use of spoil in other locations for the restoration of quarries with inert waste has not been properly considered by HS2 Ltd, even though it is subject to a legal duty to consider such options.

50 Your Petitioner accordingly requests that the plans for the Hunts Green Spoil Dump are removed and that HS2 Ltd be required to come up with an effective waste disposal strategy which reflects relevant legislative requirements.

51 Your Petitioner also points out that, if the tunnel proposals highlighted are adopted, then the amount of spoil involved for this section of the line will be substantially reduced.

52 The list of grievances above is by no means exhaustive and, due to the inadequacy of the Environmental Statement prepared by HS2, it is inevitable that the construction of HS2 will disrupt the ability of your Petitioner to provide medical services in ways which have not yet been considered.

53 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 and the patients registered at the practice should not be allowed to pass into law.

54 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, and the ability to provide medical services to her patients in this geographical locality for which no adequate provision is made to protect your Petitioner. Additional resources will be needed to help your petitioner visit patients when traffic is continuously disrupted and to manage the increase in patient demand from a deterioration in the health of patients with heart and lung disease as well as those suffering from anxiety and depression.

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 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.

Petitioner's Signature.....

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(LONDON-WEST MIDLANDS)
BILL

PETITION OF:
Dr .PHILIPPA WREN MORETON

AGAINST, By Counsel, &c.