

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 Sally Knowles

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.

**Your Petitioner**

- 7 Your Petitioner, Sally Knowles, is a freehold owner of 1 Manor Cottages, The Lee, 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 South Heath 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 Potter Row, Rocky Lane, 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 30 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's rights interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

#### **Your Petitioner's Concerns**

- 12 Your Petitioner is concerned about the long term damage and permanent injury from visual and acoustic impacts in the AONB of the operation of the line between Mantles Wood and Wendover and its supporting infrastructure. The destruction of ancient woodlands, the loss of farmland and landscape, the proposed new dump of spoil at Hunts Green Farm, the embankments and viaducts across the valley, the permanent stopping up and re-routing of PROW, all add up to a severe impact on all of us, who live in the Chilterns AONB.
- 13 HS2 crosses the widest part of the AONB and less than 50% is in a bored tunnel. Between Mantles Wood and Wendover, Buckinghamshire, the proposed route is on the surface and includes sections in shallow cuttings and green tunnels, on viaducts and embankments. 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.
- 14 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.
- 15 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

- 16 Your Petitioner is concerned about the level of exposure to the noise of operations from the footpaths, the lanes in the immediate vicinity of HS2 and the portals. Noise would severely affect the use and enjoyment of the area. This and the loss of natural landscape will severely and permanently reduce the attractiveness of the area and thereby damage an important national asset.
- 17 Your petitioner is concerned about the loss of natural habitats for wildlife and habitat severance as the railway constitutes a barrier for deer, foxes and other animals.
- 18 Your Petitioner is also seriously concerned about the impacts of construction. The dust, noise, traffic movements, congestion and access problems and other implications of the long period of construction will make the Petitioner's life more than challenging. Your Petitioner will still need to use the narrow lanes affected by the construction of the proposed line, particularly for access to Great Missenden, Wendover and Chesham. This will make trips for shopping, recreation, medical services and rail access extremely difficult.. Your Petitioner will also continue to need to gain access to the A 413, which is on the other side of the proposed HS2 line, for London and all other areas. Your Petitioner further regards this network of narrow lanes in the AONB as a characteristic feature of the area and is concerned about proposals to use some of these narrow country lanes for construction vehicles and the effects of construction traffic using the A413.
- 19 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 that this will place a further burden on the roads in this community, which are already under pressure. 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.
- 20 Your petitioner is gravely concerned about the spoil to be excavated and arrangements for movement and storage of spoil that will create pollution and congestion. Your Petitioner is also 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

### **Mitigation requested**

- 21 Your petitioner requests that measures be taken and changes 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.
- 22 Your Petitioner requests that the AONB be protected from these effects by amending the Bill so the line passes throughout the AONB in a bored tunnel, such as the proposal known as the CRAG T2. This option would substantially remove the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.
- 23 In the absence of extending the Chilterns' tunnel, then the following mitigations would be needed to ameliorate the worst of the effects, and your Petitioner requests that provision is made for:
- a. The cuttings adjacent to the South Heath Green Tunnel to be made deeper, and return to the levels originally proposed by the 2011 consultation. Furthermore the South Heath Green Tunnel to be extended to provide better protection in operation to Potter Row and South Heath and the footpaths out of Great Missenden to Potter Row
  - b. That the existing proposed green tunnel at Wendover be extended to the south and north of Wendover.

- c. That provision is made for constructing bridges where there are established rights of way, and to make these green bridges, in order to retain trees and shrubs and permit wild life access, particularly given that this is part of the AONB
- d. That compensatory planting commence at the earliest opportunity with the use of mature trees
- e. That the plans for the Hunts Green Spoil Dump are cancelled and that arrangements be made for the spoil to be removed from the area
- f. That property blight is compensated by extending the HS2 voluntary purchase scheme

24 Your Petitioner 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. 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. The Code should be so amended to enforce the following measures:-

- a. Constructing new temporary roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB to be used by construction
- b. Restricting HGV movements to the period 09:30 – 15:30 throughout this section of the AONB.
- c. Additionally prohibiting HGV movements along school routes between 15:00 and 15:30.
- d. Prohibiting any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
- e. That 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
- f. Operating a 'Park and Ride' scheme to transport construction workers along the trace, and enforcing this by not providing parking for contractors at the construction compounds.
- 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.

### **Full Tunnel proposal**

25 The Petitioner emphasises that the mitigation measures set out in paragraphs 23 and 24 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.

### **Objection in principle**

26 Although your petitioner is 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 objections. Your petitioner has serious concerns regarding the business case of HS2, particularly the fact that it represents extremely poor value for money to the taxpayer, in a country which cannot afford such expenses (on flood defences, for example). Your petitioner instead supports the alternative solution to HS2 produced by 51m. This alternative represents a much better business case including lower initial costs and a much greater Benefit Cost Ratio, as reported by WS Atkins working for the Department of Transport.

- 27 Your petitioner doubts that the current route through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now apparent in constructing a line through this area would have been made apparent.
- 28 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 that the construction of HS2 will disrupt the lives of residents in the AONB in ways which have not yet been considered.
- 29 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their 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 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.



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AGAINST, By Counsel, &c.

Sally Knowles

