

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 GIOVANNI DELANA

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 the Cock & Rabbit Inn, The Lee, Great Missenden, Buckinghamshire HP16 9LZ ("your Petitioners' home").
- 8 Your Petitioner does not drive and relies on busses and trains. Travelling from The Lee will become significantly more difficult for him.
- 9 Your Petitioner uses Leather Lane, Potter Row, Kings Lane, 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 Potter Row and local footpaths for recreational purposes and for walking access to Great Missenden. The proposed works to the west of Potter Row and the use of land below Hunts Green for storage of materials will result in your Petitioner losing a recreational and access facilities.
- 11 Your Petitioner has lived in the Chilterns Area of Outstanding Natural Beauty (AONB) for over 33 years. He and his wife were attracted to the area by the fine landscape and the opportunities it afforded for outdoor recreational activities and also the opportunities for work on dairy farms. Your Petitioner has worked for 33 years at two dairy farms on Potter Row.
- 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 Damage to Wildlife and Wildlife Habitats

13.1.1 Your Petitioner is gravely concerned about the displacement and damage that the operation of HS2 will have on the wildlife and its habitat in this area including in particular in Jenkins Wood, Sibleys Coppice and adjoining fields to the north of the South Heath Tunnel's north portal. Your Petitioner has observed a number of species of birds nesting in these woodlands such as red kite, owls and woodpeckers. He has also observed yellowhammers, migrant warblers and finches in the hedgerows running to the east of the track of the proposed maintenance road between the HS2 track and your Petitioner's home and skylarks nesting in the fields immediately to the north of the Heath Green Tunnel northern portal. Mammals observed by your Petitioner in these areas include roe deer, badgers, hedgehogs and foxes. All these species of birds and mammals are known to take flight from such areas when noise and air pollution levels increase significantly.

13.1.2 Their habitats need to be re-established nearby before construction begins in an area which will not be disturbed. Regretably such moves are rarely successful. Your Petitioner therefore request that the Promoter should extend the current bored tunnel from its current exit at Mantles Wood to the end of the Chiltern AONB north of Wendover. Your Petitioner believes this is the only effective way of mitigating the damage the Proposed Route would inflict on the wildlife of this protected area of outstanding natural beauty.

13.2 Property Blight and Compensation

13.2.1 Your Petitioner is concerned that all residents in Potter Row are experiencing significant property blight and many are now trapped in unsellable houses. Your Petitioner is approaching retirement age and had intended to enjoy his retirement at his home in Potter Row working on his garden and enjoying his interest in bird and wildlife watching. The best years of his retirement will now be ruined by HS2's construction and then its operation. After many years when your petitioner has both been working he and his wife have managed to pay off the mortgage on their cottage. As a result of HS2 it has now lost a significant amount of its value. This is of grave concern to your Petitioner since he and his wife had viewed the value they were building up in their cottage as security against their costs in retirement and possible future medical and care costs as they get older.

13.2.2 Your Petitioner believes his fundamental human rights have been infringed and request that the Promoter provides full compensation both for the loss in value of his home and for the loss of his ability to enjoy the environment in

which he has worked and lived for over 33 years.

13.3 *Public Rights of Way*

13.3.1 Your Petitioner objects to the Bill because of the temporary closure of footpath GM 1/12. Your Petitioner uses this on a daily basis for both recreational purposes and for access to the village of Great Missenden. Closure will result in a 10 minute walk to the village across fields becoming a 45 minute walk along the proposed Construction Route.

Your Petitioner is also gravely concerned that, following construction, several footpaths will no longer exist and that the enjoyment of using the footpaths in this area will be permanently blighted by the noise of high speed trains and by the unsightly intrusion of railway fencing, the catenary of the trains and the trains themselves in this area of outstanding natural beauty.

13.3.2 Your Petitioner requests that that the Public Rights of Way (GM1/12 and GM1/13) are not closed for any period of time. If the rights of way are to be diverted then a right of way to Great Missenden village must be provided and open at all times.

Your Petitioner does not believe it is possible to properly mitigate the above effects of HS2 on the enjoyment of Public Rights of Way in the area and your Petitioner therefore requests that the Nominated Undertaker should extend the current bored tunnel from its current exit at Mantles Wood to the end of the Chiltern AONB north of Wendover. Your Petitioner believes this is the only effective way of mitigating the above effects.

13.4 *Operational Noise*

13.4.1 Your Petitioner is gravely concerned by noise from High Speed trains. He lives in an Area of Outstanding Natural Beauty that is exceptionally tranquil and the noise from trains will have a profound effect on his day to day life. The episodic bursts of noise from the trains' catenary will be heard for 4 second intervals. Such episodic noise will be heard during 19 hours every day. Your Petitioner understands that apart from being very irritating and interfering with the enjoyment of the tranquillity of his home and his ability to have uninterrupted conversations in and around his home, such episodic noise is shown to have adverse health effects.

13.4.2. Your Petitioner requests that the highest global standards of mitigation must be applied to minimise the effect of noise. The depth of the cuttings in this area

should be increased to the depths proposed prior to January 2012. The cuttings should be designed to provide the highest global standards of noise mitigation. The highest global standards of noise mitigation fence barriers should also be used. The portals of the South Heath Green Tunnel should be designed using the highest global standards for noise and sonic boom mitigation. HS2 is designed to use this route for sixty years and will ruin every waking hour the potential peaceful enjoyment of life in your Petitioner's home by him and his successors. Your Petitioner chose to live in this area because he enjoys spending time outdoors and undertaking outdoor pursuits and he specifically does not wish to live in an area where the only respite from unendurable noise is behind triple glazing in his home.

Your Petitioner is not confident that current sound mitigation techniques are capable of sufficient mitigation to allow your Petitioner to enjoy the peace and tranquillity of this area as it is now. Your petitioner therefore requests that the Nominated Undertaker should extend the current bored tunnel from its current exit at Mantles Wood to the end of the Chiltern AONB north of Wendover. Your Petitioner believes this is the only effective way of mitigating the damage the Proposed Route would inflict on this protected area of outstanding natural beauty.

13.5 *Construction Traffic*

13.5.1 Your Petitioner is concerned that Potter Row is designated as a Construction Route. The Environmental Statement states that there will be a number of HGV and other vehicle movements each day scheduled over the construction period. Potter Row is a narrow country lane where commercial vehicles often have to stop to allow approaching vehicles to pass. The Petitioner, his friends and visitors will be at risk of fatality or injury from construction traffic on Potter Row.

13.5.2 Your Petitioner requests that Potter Row is not used as a Construction Route. A haul road from the trace of HS2 to the A413 near Great Missenden must be given consideration as a priority to avoid the use of country lanes. Alternatively a temporary route along the trace of the railway should be used.

13.6 *Access for Emergency Services*

13.6.1 Your Petitioner is gravely concerned that during the construction period of at least 7 years there will be major disruption for vehicles from the emergency services accessing Potter Row. 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.

13.6.2 Your Petitioner requests that a fully funded air ambulance must be made

available to those living in Potter Row to guarantee emergency medical access.

13.7 *Construction Noise, Dust and Vibration*

13.7.1 Your Petitioner is gravely concerned about the effect of noise, airborne pollution and vibration during the construction period. Breathing conditions such as asthma are greatly exacerbated by dust and emissions from vehicles. The proximity of many residents to work compounds, stock piles of construction materials and heavy vehicles with increases in levels of dust, CO₂ and other pollutants is a grave concern. Your Petitioner's home is 260 metres north of the South Heath Green Tunnel construction area and is likely to suffer from both construction noise and in particular from air pollution.

13.7.2 Your Petitioner requests that mitigation measures are put in place and an effective process to monitor noise, pollution and vibration. Such monitoring must be incorporated into the Construction Code of Practice and independent of HS2 Limited and all contractors. An independent arbitrator must be appointed, fully funded by HS2 Limited and available to residents on a 24 hour a day, seven day a week basis. The arbitrator must have the authority to implement a cessation of all work if agreed levels are breached.

13.8 *Access to Local Services*

13.8.1 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 the shops, the railway station and for medical appointments.

13.8.2 Your Petitioner requests that HS2 construction traffic should stop using the local roads for a 2 hour period between 9.00am and 5.00pm each day that they work. This should allow residents reasonable access to such services.

13.9 *Crime*

13.9.1 Your Petitioner is gravely concerned that the three construction compounds, being those at the southern portal of the South Heath Green Tunnel, the northern Portal of the South Heath Green Tunnel and at Leather Lane, will be occupied by a large number of transitory workers over the construction period. This potentially represents a great risk to residents from petty crime, motoring incidents and anti-social behaviour.

13.9.2. Your Petitioner requests that Great Missenden Police Station be staffed and open to deal with issues related to these construction compounds on a 24 hour a day, seven day a week basis.

13.10 *South Heath Green Tunnel*

13.10.1 Your Petitioner is concerned that the South Heath Green Tunnel whilst providing some protection for the residents of South Heath has a significant detrimental effect on the residents of Potter Row. In particular the cuttings are shallower and the trace of the railway is closer to the resident's properties resulting in greater noise pollution and visual pollution with the HS2 catenary being visible from the surrounding area and footpaths.

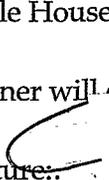
13.11 *Support for Other Petitions*

13.11.1 Your Petitioner supports the Petitions submitted by the Chiltern Conservation Board and other parties for the "CRAG" Tunnel or an alternative fully bored tunnel for the length of the Chilterns Area of Outstanding Natural Beauty.

13.11.2 Your Petitioner supports the Petitions submitted by other parties for an extension to the fully bored tunnel from Mantles Wood to Leather Lane.

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 *and* &c.

Petitioner's signature: 

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