

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 Alison BraintSHEWETH 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 is Alison Braint of 30 Upper Ashlyns Road, Berkhamsted HP4 3BW. Buckinghamshire. Your Petitioner is married and lives with her husband and two school age children and a dog. Your Petitioner works four days per week at the Great Missenden Church of England Junior School.
- 8 Your Petitioner drives from home to the school via Chesham and the B485. This is the

direct route. It is essential that the period away from home is short enough to accommodate family responsibilities and that any occasion when your Petitioner will be late home can be anticipated and suitable alternative plans made for child care. The journey to work needs to be similarly predictable and short, to allow your Petitioner to prepare her children for school but arrive in time for the start of the teaching day.

- 9 During construction, HS2 (on the Promoter's plans) will have a number of adverse effects, but those most directly affecting your Petitioner are:
- The B485 and the A413 will be construction routes, which will lengthen and make less predictable the journey to and from Great Missenden
 - The alternative routes to the B485, that all take longer is either be affected by construction traffic or by the extra traffic volumes displaced from the construction routes.
- 10 Your Petitioner appreciates the natural beauty for which the Chilterns are renowned, and for which the landscape is given the status and protections of being an AONB. Your Petitioner has a long association with the area, having previously lived on Potter Row, which although it is a narrow country lane is designated to be a construction route. It is distressing to think that the beauty and tranquillity of the Potter Row area will be permanently destroyed and so unavailable for future generations.
- 11 Your Petitioner's rights and interests 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 aware of the work that the Chesham Society has done concerning the estimates that HS2 Ltd has done on traffic congestion and the results that it published in the Environmental Statement (ES). The Chesham Society suggest that the traffic congestion will be far worse than the ES concludes, and that in reality your Petitioner's journey to and from work will be significantly delayed.
- 13 Construction is scheduled to continue for over 7 years in this area, and so cannot be accommodated by your Petitioner with temporary measures. This may mean that it will be impractical for your Petitioner to continue in her current job.
- 14 Your Petitioner is concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures, and that this will place a further burden on the roads in the area, which are already under pressure particularly at the time that children travel to and from school.
- 15 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 and from its supporting infrastructure and furniture. The destruction of ancient woodlands (that represents 30% of all the losses to ancient woodlands on the line), the loss of farmland and landscape, the proposed new dump of spoil at Hunts Green Farm, the embankments and viaduct across the valley Wendover Dene valley, the permanent stopping up and re-routing of PROW, all add up to a severe impact on this area of the Chilterns AONB.
- 16 Your Petitioner is concerned that the Promoter of the Bill has ignored the obligations to protect the AONB, and cannot understand how the proposed surface route of the line for this area could possibly meet the requirements to protect and preserve the AONB, and the beauty of its landscapes and tranquillity. The special qualities of the AONB cause it to be visited over 50 million times a year by visitors from London (and other areas).
- 17 Your Petitioner is gravely concerned that the hybrid bill process seems to allow the provisions for protecting the AONB in the 'Countryside and Rights of Way Act 2000' to be ignored. Your Petitioner would be shocked if in an increasingly crowded country with an

increasing emphasis on environmental conservation, Parliament is content to allow crucial protections to be disregarded.

Remedies /Mitigation requested

- 18 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, as proposed by the Chiltern District Council¹ or by extending the present Chiltern tunnel proposals by adopting the CRAG T2² proposals. The latter is referred to in the Environmental Statement and accepted as both feasible and environmentally preferable. Either of these options would substantially remove the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.
- 19 Your Petitioner requests that, if the proposal for a full tunnel throughout the AONB is rejected by Parliament, then the Proposer's Chilterns bored tunnel should be extended at minimum for 4kms from Mantles Wood to Leather Lane. The South Heath Chilterns Tunnel Extension³ (SHCTE) (referred to as the REPA tunnel in the ES at Vol 2, 2.6.18 CFA 9 but extended to Leather Lane) has acknowledged substantial environmental benefits, and for no net cost can preserve a further 4km of the AONB from adverse effects – including the adverse effect to your Petitioner's journey to work during the construction of HS2.

Addressing construction issues

- 20 The Bill and Code of Construction Practice should be 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 traffic eg Potter Row, Kings Lane, Hyde Lane, Hyde Heath Road, Frith Hill South Heath Leg). This will prevent traffic being displaced and causing congestion on the B485
 - b. Restricting HGV movements to the period 09:30 – 15:30 throughout this section of the AONB, so that there is no greater congestion at the B485/A413 roundabout in the morning, or the Great Missenden/A413 link road in the evening.
 - c. Additionally prohibiting HGV movements along school routes between 15:00 and 15:30, which would otherwise affect your Petitioner's home journey.
 - d. 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.
 - e. 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 their original size and character, and all damage repaired by the nominated undertaker.

Addressing permanent issues

- 21 In the absence of Parliament requiring one of the bored tunnel options requested above, the following mitigations would be needed to ameliorate the worst of the permanent effects, and your Petitioner requests that provision is made for:
- the cuttings adjacent to the South Heath Green Tunnel should be made deeper, and return to the levels originally proposed by the 2011 consultation, with continuous full height (5m) high specification sound barriers (both sides of the line to protect residents and footpaths) immediately adjacent to the track to reduce noise, and with bunds to conceal the line and the gantries where appropriate. Furthermore the South

¹ <http://www.chiltern.gov.uk/article/4429/HS2---Campaigners-launch-their-case-for-Going-Underground-to-preserve-AONB>

² <http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

³ <http://www.repahs2.org.uk>

Heath Green Tunnel should be extended to provide better protection in operation to Potter Row and South Heath and the footpaths out of Great Missenden to Potter Row, and between Little Missenden, Hyde Heath and Hyde End.

- HS2 is placed in fully retained cuttings to reduce land take of gardens, ancient woodland and farmland
- That the power for the contractor to raise the line by up to 3 metres is excluded for the AONB section of the line, especially in the area from Mantles Wood to the Wendover Dene viaduct where the line has already been raised from the alignment originally proposed
- 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. Plant mature trees over the South Heath green tunnel to emulate the previous character.
- That the speed of the trains be reduced as per the recommendation of the House of Commons Environmental Audit Select Committee Report, but permanently, in order to help reduce the environmental impact.
- That compensatory planting commence at the earliest opportunity and with the use of mature trees able to grow to at least forty feet high, in order to conceal the line from view at the earliest possible time – with funding for their maintenance in perpetuity. Where this replaces ancient woodland it should adopt the 30:1 ratio supported by the Woodland Trust and not 4:1 as currently proposed
- 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 by rail or pipeline. Your Petitioner points out that, if the full tunnel proposals are adopted, then the amount of spoil involved for this section of the line will be very substantially reduced and it would also all be removed at the Wendover exit of the tunnel, and that if even the REPA tunnel is adopted, according to HS2 Ltd there would be no need for the Hunts Green landfill site, as there would be no surplus spoil.
- That in relation to the balancing ponds and other water management measures, that alternative techniques are considered in consultation with the local authority, and that if necessary waste water is tanked and then removed for sustainable disposal
- That the Wendover Dean and Small Dean viaducts and adjacent embankments be of high quality infrastructure to be made as visually pleasing as possible, with enclosures where possible and with boxing for effective noise containment .

- 22 If Parliament only agree the SHCTE, mitigations with reference to the AONB north of Leather Lane are required.

Full Tunnel proposal

- 23 The Petitioner emphasises that the mitigation measures set out in paragraphs 31 and 32 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 to the detailed route and speed

- 24 Your Petitioner doubts that the current route that accommodates the proposed inappropriately high speed through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties in constructing a line through this area would have become apparent. A lower speed would allow HS2 to use existing transport corridors and greatly reduce environmental impacts, while adding little to journey times. Dropping the maximum speed from 225 mph (360km/hr) to 185 mph (300km/hr) adds just 4.5 minutes to the London – Birmingham journey time, according to the draft ES. 'Future proofing' the route to allow 250 mph (400km/hr) in the future, increases the environmental damage caused by the route.
- 25 Your Petitioner requests that a lower speed be adopted –such as that of HS1 – and a

route be determined and adopted that exploits the greater ability for following existing corridors and avoiding sensitive environments.

- 26 The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement (ES) prepared by HS2 Ltd, it is inevitable that that the construction of HS2 will disrupt the lives of the residents in the AONB in ways which have not yet been realised. Your Petitioner wishes the ES to be corrected and for her to be allowed to raise further issues of concern on those matters which are corrected or on which additional information is provided, eg road congestion, waste management and noise.
- 27 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 should not be allowed to pass into law.
- 28 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 and interests and for which no adequate provision is made to protect your Petitioner.

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 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.