

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013 - 2014

HIGH SPEED RAIL (LONDON TO 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 *Michael Izza*

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 resides in Amersham, surrounded by the Chilterns Area of Outstanding Natural Beauty.

#### **Environmental Statement**

8. Your Petitioner doubts that the current route through the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as "the AONB"), would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now encountered in constructing a line through this area would have been made apparent. No comparison of the AONB route with other alternatives has been attempted in the Environmental Statement, as is required by the Countryside and Rights of Way (CROW) Act 2000.
9. Your Petitioner contends that the Environmental Statement produced for DfT/HS2 Ltd is unfit for purpose on the grounds that :
  - It was produced by engineering companies who are likely to benefit from the awarding of construction contracts for HS2.
  - There are inaccuracies in the statements in the ES
  - The effects of the ES are based on the views of these consultants only, and are understated
  - It fails to take into account the environmental effects of construction traffic and works
  - It makes invalid comparisons of carbon footprint between air traffic and proposed HS2 trains.
10. Consequently, the impacts of this project on your petitioner have been greatly underestimated, and the mitigation measures which have been proposed are totally inadequate to afford any significant abatement.
11. Your Petitioner therefore submits that because of the above, the Environmental Statement should be withdrawn from the Hybrid Bill, and that progress of the bill be halted until an adequate and credible ES has been produced by truly independent sources, having no vested interests in the proposed HS2 project. The replacement ES should then be the subject of public consultation, for the same time period (as extended by House of Commons and House of Lords) as was the case with the current ES that this Petitioner finds unfit for purpose.

#### **Preservation of the Chiltern Area of Outstanding Natural Beauty**

12. Between Mantles Wood and Wendover the Proposed Route is on the surface for 10km and includes sections in shallow cuttings, on two 500m long viaducts, on embankments and in two cut and cover ("green") tunnels.
13. 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 contends that building HS2 on the surface in this section will:

- permanently destroy the tranquillity of the area and the beauty of its landscapes, qualities that attract over 50 million visits a year - many from London residents,
  - have severe adverse effects on the social, environmental and economic cohesion of the area during and for a period after its construction,
  - permanently and seriously impare the Petitioners ability to enjoy the natural benefits of this AONB.
15. Your petitioner requests that the AONB be protected from these effects by building a bored tunnel such as the CRAG T2 tunnel to take the line completely underneath the AONB.

### Noise

16. Your petitioner has concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway. Your petitioner is concerned as there appears to be no mechanism in the Bill to deliver a properly noise mitigated railway.
17. Your petitioner is concerned that the fundamental calculations needed for forecasting noise impacts, known as the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) have not been correctly identified and were set too high in the Environmental Statement, leading to material underestimation of the adverse noise and significant adverse noise impacts likely to arise from the high speed railway.
18. Your petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above what the World Health Organisation considers acceptable. Your petitioner considers this issue is likely to become more pressing given the moves by the World Health Organisation to set new lower targets on the basis of the latest medical research on the impact of noise on human health.
19. Your petitioner therefore requests:
- HS2 Ltd be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside).
  - HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.
  - HS2 Ltd be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.
  - A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.
20. 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.

21. Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

### **Waste**

22. Your Petitioner is concerned that the impact on local communities of the amount of waste to be excavated and removed from the construction of the high speed railway has been underestimated and the environmental impacts of removal and disposal of such waste has been needlessly worsened because of the primacy (in UK and EU law) of the requirement to seek to avoid disposal of waste and comply with the principles of the waste hierarchy has been ignored by HS2 Ltd.
23. Your petitioner is concerned that the forecasts provided for each Community Forum Area for amounts of waste to be excavated and removed from that area appear to be contradictory and take insufficient account of local authority planning policies.
24. Your petitioner requests that HS2 Ltd be required to comply with the requirements of the Waste Framework Directive and review its decisions on treatment of waste to ensure compliance with the waste hierarchy as detailed in that Directive. Such review should include publishing details of the "integrated design approach" to waste management and subject to consultation to enable effective public participation on this issue.

### **Code of Construction Practice**

25. 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.
26. 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 with effective oversight and redress arrangements in the event of non-compliance with the Code of Construction Practice.
27. 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 the relevant local authority. 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.

### **Air Quality**

28. 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.

29. 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 made public. Your petitioner submits that thresholds for air quality and an air quality mitigation plan should be produced for each Community Forum Area, to apply both during construction and operation of HS2.
30. Your Petitioner requests that the local authority should be provided with powers to monitor air quality in accordance with binding mitigation plans and in the event air quality thresholds are breached, your Petitioner submits that the Bill should be amended to enable the local authority to require the cessation of construction activities until such point as air quality thresholds are complied with.

### **Hydrology**

31. Your Petitioner is concerned about the danger of water pollution arising from the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport links.
32. Your Petitioner requests that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against accepted water quality levels.
33. Your Petitioner is concerned that the Hybrid Bill seeks to undermine long standing and important legal safeguards concerning the safety of drinking water. Your Petitioner requests that Clause 31 and schedule 20, which override key legal safeguards that protect public water supplies be deleted from the Hybrid Bill.
34. Your Petitioner notes that the Environmental Statement does not rule out the possibility of contamination to his water supply as a result of tunneling in the Chilterns. Your Petitioner would draw your attention to the possibility that a longer tunnel could be realigned to avoid the aquifer under the Lower Misbourne Valley, so reducing the risk to the water supply which serves this area and much of NW London.

### **Construction**

35. Your Petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic throughout the AONB, and in the Misbourne Valley in particular. Your Petitioner regularly drives through the AONB to access shops and recreational facilities, and so will be directly impacted by traffic congestion throughout the area (and on the A413 in particular) for the duration of the construction works. Your Petitioner regularly uses the network of Lanes in the AONB for recreation, and regards these as a characteristic feature of the area which should be protected in accordance with the CROW Act (2000). Many of these cross the proposed route and will be diverted or interrupted during construction.
36. 21 As a resident of an area in the vicinity of the construction zone, your Petitioner is also concerned that traffic seeking to avoid congestion will place a further burden on the roads in his community, which are already operating at capacity, and so further aggravate the impact on his freedom of movement.

37. Your Petitioner observes that the greatest disruption to traffic will arise from the proposed works between the Mantles Wood portal, and the South Heath Cut and Cover tunnel and so requests that a full bored tunnel be built to go underneath the whole of the AONB to come out at a point where better road and rail access is available for spoil removal and construction traffic.
38. Your Petitioner also requests that the nominated undertaker be required to mitigate the remaining nuisances, by amending the Code of Construction Practice to strictly enforce the following measures –
- Restricting HGV movements to the period 09:30 – 15:30 throughout the AONB, and prohibiting HGV Movements along school routes for 30 minutes before and after the start and end of the school day (during term time).
  - Constructing new roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB by construction traffic.
  - Operating a 'Park and Ride' scheme to transport construction workers along the trace, and enforcing this by not providing parking for contractors on or near the construction compounds.
  - Constructing such facilities as may be necessary to remove spoil from the AONB by rail, so avoiding the creation of the spoil dump at Hunts Green.

#### **Health and Welfare**

39. Your Petitioner is gravely concerned that the emergency services will be unable to provide timely support to his family and property due to road congestion during the construction period, and would remind the committee that the A413 and A404 carry ambulances to the only local A&E department at Stoke Mandeville, as well as all HS2 traffic to and from the AONB. We have recently lost an A&E department in High Wycombe so our distance to an A&E department (and for many other outpatient clinics) has already increased and journey times will now be even slower due to construction traffic.
40. Your Petitioner requests that HS2 Ltd provide an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response, The committee might also consider that with 11 construction sites operating in the area, it would be criminally irresponsible not to be prepared for any industrial accidents.
41. Your Petitioner notes that HS2 have identified land 'potentially required' for construction at the Amersham Vent shaft which will block the entrance to the Amersham Hospital. Your Petitioner therefore requests that the site plan is revised to remove this feature.

#### **Environment**

42. Your Petitioner makes extensive use of the recreational facilities afforded by the AONB, and strongly objects to the following impacts of the project –
- Diversions of public rights of way, and reinstatement of some PROWs to run alongside the line.
  - Destruction of woodland and in particular of Ancient Woodland. Ancient Woodland represents an irreplaceable resource (as stated by HS2 Ltd); there is no evidence suggesting that translocation of Ancient Woodland is successful.

- Adverse effects on the ecology of the AONB, in particular on the bat and owl populations.
  - The possibility of damaging the unique local chalk streams which are only found in one small area of the world (Southern England and Northern France).
  - The use of 'sustainable placement' in the AONB (at Hunts Green) which your Petitioner regards as a contravention of the CROW (2000) Act. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding Natural Beauty.
  - Continuing audible and visual intrusion of the railway in operation. No mitigation has been proposed to address the impact on walkers, cyclists or horse riders, and their needs are hardly mentioned in the ES ( Vol2) reports covering the AONB (parts 7 to 10).
43. The only practicable mitigation for all these impacts on the AONB is the full tunnel as requested above. The creation of the Hunts Green Spoil Dump would also be avoided if spoil was removed from the area by rail (see above ).
44. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on ecology along the whole route of the line including but not limited to avoiding ancient woodland, migration routes for wildlife across construction sites and the operational high speed railway and associated development, and compensatory measures to offset habitat loss and other damage to species.
45. Your Petitioner requests that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations, compensation off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget for these purposes.
46. Your Petitioner requests that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to the revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities' wellbeing, adjusting metrics to encompass the precautionary principle, treatment of ancient woodlands should be separately from the overall biodiversity net loss calculation, re-examining scope for off-site biodiversity compensation, research on alternative discount factors for the off-setting metric.

#### **Amersham old town business impact**

47. Your Petitioner notes that access to Amersham Old Town will be curtailed as a result of the increase in traffic congestion on the main access routes (A413, A404, A355) and that this will deter the visitors on which this town depends for survival. This may lead to the closure of businesses patronised by your petitioner, who will then be forced to travel further to alternative suppliers.

48. HS2 Ltd/DfT must compensate all retailers and businesses in the affected area to the extent that demonstrated retail and business loss is identified as a result of HS2 construction. Furthermore during construction and operation of HS2, HS2Ltd/Dft should provide funding for a campaign to demonstrate that Amersham Old Town is open on a 'business as usual' footing.

### **Conclusion**

49. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

50. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.

51. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

52. YOUR PETITIONER THEREFORE HUMBL Y 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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c



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PETITION OF Michael Izza

AGAINST, By counsel, &c

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