

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 NICHOLAS BUTTERWORTH & ANNE BUTTERWORTH
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, Mr Robert Goodwill.
- 3
 - (a) 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.
 - (b) Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
 - (c) 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.
 - (d) 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.
 - (e) Objection is taken to the works to be undertaken within the Chilterns Area of Outstanding Natural Beauty, and in particular to **works 2.1 and 2.12 to 2.27** (listed in Schedule 1 of the bill) in the parishes of Amersham, Little Missenden, Great Missenden, Chartridge and The Lee, and to the clauses of the bill which would authorise these works.

- 4 Your Petitioners reside at St Leonards within the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as "the AONB").
- 5 Your Petitioners and their rights, property and interests are injuriously affected by the Bill, to which your Petitioners objects for reasons amongst others, hereinafter appearing.

Objection in principle

- 6 Although your Petitioners are 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 their 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 expenditure on existing infrastructure (flood defences, for example). Your petitioner instead supports the alternative provision of additional rail capacity proposed by 51m. This 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.¹

General Concerns

- 7 As residents of the AONB your petitioners have identified several specific grievances which are set out below. This list 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.
- 8 Your petitioners doubt that the current route through the Chilterns AONB would have been selected had a Strategic Environmental Assessment been conducted, since the very obvious environmental impacts for this area and the difficulties of constructing a line through this area would have been apparent. No credible comparison of the AONB route with other alternatives has been attempted in the Environmental Statement nor has the flexibility in the detailed route been explored that would be possible had the route not been 'future proofed' to be capable of a maximum speed of 400km/hr but a lower speed adopted, enabling existing transport corridors to be followed.

Preservation of the Chiltern AONB

- 9 HS2 bisects the AONB at its widest part. 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. Less than half the AONB is currently in a bored tunnel.

¹ <http://www.51m.co.uk/wp-content/uploads/2013/08/update-on-51m-Alternative-summary-with-Annex.pdf>

- 10 This area is designated as an AONB 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 petitioners contend 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 communities in the area during and after its construction,
 - permanently and seriously reduce the ability of residents to enjoy the natural benefits of the area in which they live.
- 11 It is estimated that the value of this area is of the order of £500million to £750million². The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.
- 12 Your petitioners request that the AONB be protected from these effects by ensuring that the line passes throughout the AONB in a bored tunnel, either as proposed by **Chiltern District Council**³, or as proposed by the **CRAG T 2 Tunnel**⁴, the latter having been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable to the proposal in the Bill. This would substantially mitigate the adverse effects objected to in this petition, and the need for the less effective remedies proposed below.
- 13 Your petitioners observes that the **South Heath Chilterns Tunnel Extension**⁵ between Mantles Wood and Nr Leather Lane would address the environmental issues in the South Heath/Potter Row area and at no greater cost than the Proposer's scheme. It avoids the loss of several homes, parts of three ancient woodlands, extensive construction and permanent noise impacts and also the need for a spoil site at Hunts Green. If Parliament is unprepared to require a fully bored tunnel throughout the AONB, then there should be at minimum a 4km tunnel extension from Mantles Wood to Leather Lane, as this is environmentally superior and costs no more than the Proposer's scheme .

² "High Speed Rail in the Chilterns - Little Missenden to Wendover"
Report by Chiltern Conservation Board and Peter Brett Associates, Oct 2014

³ High Speed Rail in the Chilterns: Feasibility Study of Alternative Tunnelling Options. Peter Brett with OTB Engineering Ltd and Beazley Sharpe (Railwise) Ltd. April 2014

⁴ <http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

⁵ <http://www.repahs2.org.uk>

- 14 Your Petitioners contend that a bored tunnel throughout the AONB would be a cost effective means of avoiding long term environmental damage, and severe construction disruption, as the problems itemised below will otherwise need to be addressed at considerable cost but with a less satisfactory environmental outcome.

Environment

- 15 Your petitioners makes extensive use of the recreational facilities afforded by the AONB, and strongly objects to the following impacts of the project and requires the Bill be adjusted to remove them:

- 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) and there is no evidence suggesting that translocation of Ancient Woodland is successful.
- The use of 'sustainable placement' in the AONB (at Hunts Green) which your petitioner regards as a failure to observe the waste hierarchy and ignores their own policy that landfill should not be at a nationally sensitive site. 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. The Zone of Theoretical Visibility of HS2 in the Environmental Statement shows it will be seen from across the Misbourne valley, and even this ignored the gantries. The noise impacts are inadequately mitigated, for those living in proximity to the line, with little done to address the impact on walkers, cyclists or horse riders, whose needs are hardly mentioned in the ES (Vol 2) reports covering the AONB (parts 7 to 10)
- Adverse effects on the ecology of the AONB, in particular on the bat and owl populations.
- The adverse effects on property values, leaving local property owners bearing significant personal loses

- 16 The planned speed of HS2 causes it to have far more adverse environmental impacts than it need have, as it is unable to curve round environmentally sensitive areas, making it more obtrusive. Furthermore noise and energy consumption increase rapidly with speed, making speed highly undesirable environmentally. A reduction from the planned initial speed of 225mph to 185mph (as for HS1) increases the journey time between London and Birmingham by only 4.5 minutes, but such a reduction in speed would allow HS2 to follow existing transport corridors and have far less adverse impacts.

Construction

- 17 Your Petitioners are 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, that are scheduled to last for more than 7 years and more than 3.5 years at their peak. Your Petitioners regularly drive through the AONB to access their family, 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 petitioners regularly use the network of lanes in the AONB for recreation, and regards these as a characteristic feature of the area which should be protected. Many of these cross the proposed route and will be diverted or interrupted during construction, some even being designated as construction traffic routes despite being wholly inappropriate.

- 18 As resident of an area adjacent to the construction zone, your Petitioners are 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.
- 19 Your petitioners also request that the nominated undertaker be required to mitigate the remaining nuisances, by amending the Code of Construction Practice and funding its enforcement by the Local Authority, to strictly apply the following measures –
1. 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
 2. 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).
 3. 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.
 4. Constructing such facilities as may be necessary to remove excess spoil from the AONB by rail, so avoiding the creation of the spoil dump at Hunts Green.

Health and Welfare

- 20 Your petitioners are gravely concerned that the emergency services will be unable to provide timely support to their family and property due to road congestion during the construction period, and would remind the committee that the A413 carries ambulances to the local A&E department at Stoke Mandeville, as well as all HS2 traffic to and from the AONB.
- 21 Your petitioners request 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.

- 22 Your petitioners are concerned that the dust and fumes from construction will have adverse health effects, as will exposure to excessive construction and construction traffic noise.
- 23 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above (to remove the works noted in paragraph 3 from the schedule) so far affecting your Petitioners, should not be allowed to pass into law.
- 24 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, property and interests and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly 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 so much of the Bill as affects the property, rights and interests of your Petitioners 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.

Signature of Petitioner in person,



IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

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PETITION OF NICHOLAS BUTTERWORTH & ANNE BUTTERWORTH

AGAINST, By Counsel, &c.

Printed by the
Stationery Office
London
2014
L57307
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