

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 ADRIAN BURT and JACQUELINE HARRIS
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. 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 Petitioners object 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 parish of Little Missenden and to the clauses of the bill which would authorise these works.
8. Your Petitioners reside in Little Missenden as freeholder owners with their two young children and have lived at their current address since 1993. Little Missenden is a conservation area and surrounded by the Chilterns Area of Outstanding Natural Beauty. Your Petitioners' property is in close proximity to the East End of the Village and the junction with the A413, close to the Little Missenden Vent Shaft construction site. The Property is accessed via the A413 which will be used by construction traffic during the construction of the Scheme. Your Petitioners value the tranquil rural environment of Little Missenden in order to raise their family but at the same time have reach of schools and recreational facilities.
9. Your Petitioners and their rights and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

Objection in principle

10. 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 petitioners wish to express their objection to the route chosen for HS2. Your petitioners are seriously concerned over the damage to the Chilterns AONB and the fact that HS2 Ltd, in proposing this route appears to have ignored the statutory duty of protection of an AONB as set out in Section 85 of the CROW Act. Your petitioners request that the route of HS2 is realigned in order that it should avoid the Chilterns AONB and Little Missenden.
11. Your petitioners recognise that the siting the route on existing transport corridors has been rejected on economic grounds and requests that that the present proposed

route through the Chilterns AONB be amended so that the present so called 'Chilterns tunnel' be extended to a point North of Wendover, as detailed in the CRAG-T2 mitigation proposal, which was deemed technically feasible and environmentally beneficial in the Environmental Statement. The mitigation would not avoid all the damage to the Chilterns AONB however it would massively reduce the damage to the heart of the AONB at Mantles Wood and much of the mitigation to minimise the impacts, such as those exemplified below, of both the construction and operation of HS2 would not be required.

12. Should neither the route be amended to entirely avoid the Chilterns AONB and Little Missenden nor an extended Chilterns tunnel to a point beyond Wendover be acceptable, Your Petitioners are particularly concerned about the impact of the factors outlined below.

Dust Pollution and emissions

13. At present there is negligible dust pollution to the Property in Little Missenden. Your Petitioners are particularly gravely concerned with regard to dust pollution emanating from the construction of the Vent Shaft at the East End of the Village as it will most certainly severely affect our young daughter who suffers from Asthma. The dust pollution would considerably aggravate her condition. Your Petitioners submit that the current location of the Vent Shaft represents a health hazard and should be relocated to a site that is not in proximity to residential properties.
14. Your Petitioners are 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 and are concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved
15. Your Petitioners request 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 available to residents. Your Petitioners submit that in relation to dust and emissions there should be a precise, comprehensive and binding management plan and that the results of ongoing monitoring are made publicly available.
16. Your Petitioners request that there is a requirement to carry out additional mitigation if dust becomes a health hazard to your Petitioners' family and a nuisance to your Petitioners' Property and the neighbourhood. Your Petitioners submit that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.

Construction Traffic

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. Your Petitioners drive through the Misbourne Valley

regularly to access their place of employment, access public transport at Amersham, collect children from school and after school clubs, access healthcare, shops and recreational facilities, and will be directly impacted by traffic congestion throughout the area (and on the A413 in particular) for the duration of the construction work. Your Petitioners are also concerned that the children's travel to school and out of school activities will be adversely affected impacting on quality of life.

18. Your Petitioners observe that the following junctions onto and off the A413 are already subject to long delays between the hours of 07:00 and 09:30am and 15:00 and 19:00 pm. These hours are more extended than those given in section 12.2.3 of London - West Midlands Environmental Statement Vol 2/Community Forum Area report CFA9 Central Chilterns dated November 2013. Your Petitioners are gravely concerned about the impact of construction traffic on safety at the following junctions in particular

- a. Village Road Little Missenden, East End crossing A413 to turn right towards Amersham.
- b. A413 on to Village Road, Little Missenden, West End
- c. Deep Mill Lane turning right onto A413
- d. Nags Head Lane turning right onto A413

19. Your Petitioners are gravely concerned about the impact said traffic will have on Village Road, Little Missenden and the lack of suitability for this road for increased traffic flow. Your Petitioners family regularly walk, cycle or scoot along this unlit road, which has no pavements throughout the majority of the Village, to access Village amenities such as the School, park etc and for leisure pursuits. Any increase in traffic flow would be hazardous to pedestrians and cyclists.

20. Your Petitioners are concerned that timely access to emergency services including healthcare will be compromised due to road congestion during the construction period, since the A413 and A404 are used for access to the local A&E and maternity departments at Stoke Mandeville and High Wycombe. This will place additional pressure on emergency services.

21. Your Petitioners request that traffic flow during construction work is mitigated through enforcement of the following measures:

- a) Restricting HGV movements to the period 10:00 - 15:00 Monday to Friday throughout the Chilterns AONB and prohibiting HGV movements along school routes for 30 minutes before and after the start and end of the school day.
- b) Prohibiting construction vehicles from travelling into or traversing through Little Missenden during the construction phase. Notices should be placed at all entrances to the village, including at the south end of Penfold Lane in Holmer Green to this effect and the compliance with this restriction monitored.
- c) Ensuring that unimpeded access to the A413 from the village both westerly (to Great Missenden) and easterly (to Amersham) is maintained at all times to allow villagers access to hospitals, doctors, shops, schools and transport facilities and in turn to allow visitors to access two schools, two pubs and to the residents of the village.
- d) Putting measures in place to eliminate the risk of 'rat running' through the village when delays build-up on the A413. This is a feature of the present situation on the A413 when there are delays or accidents. Any additional traffic and impedance of its flow will exacerbate this difficulty.

- e). Full consideration should be given to reviewing the above mentioned junctions and appropriate measures put in place at the cost of HS2 Ltd such as:
- i. A means to turn right from the East End of the Village onto the A413 safely and in a timely fashion, in order to maintain effective access to and from the village.
 - ii. a means to render the turning from A413 into the West End of the Village safe and in a timely fashion
 - iii. a means to turn right from Deep Mill Lane onto A413 safely and in a timely fashion.
 - iv. a roundabout at the junction of Nags Head Lane and the A413.
- f) The committee should be aware that there have been several fatalities and serious accidents in last few years on this stretch of the A413 and the safety of the residents of Little Missenden during the construction phase should be a primary concern.
- g) The construction of new access roads to the trace and construction sites directly from the A413, should be prohibited, since the impact on traffic flow on the A413 from turning, slowing and accelerating heavy goods vehicles will render the A413 effectively gridlocked at its narrowest point between Hyde Lane and Piper's Wood.
- h) Requiring HS2 to underwrite the costs of adequate maintenance of roads suffering increased wear and tear as a result of increased HGV movement and of road cleaning and dust reduction
- i) No spoil should be transported away from the tunnelling area at Mantles Wood or the Vent Shaft at the East End of the Village, in other words, ONLY the spoil required to develop embankments and bunds adjacent to the tunnel entrance at Mantles Wood should be excavated at the Little Missenden end of the tunnel. ALL other spoil should be removed at the Denham end of the tunnel or by rail, without impact on Chiltern Railway lines rush hour services/ Constructing such facilities as may be necessary to remove spoil from the AONB by rail.
- j) HS2 Ltd should be required to provide an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.

Light and noise pollution during construction and operational phase of project.

22. Little Missenden is a tranquil village in the Chilterns AONB; at the East End of the Village there is no artificial lighting i.e. no street lights and there is no light pollution from the A413 to the Property. At present there is only noise from local traffic and up to 4 trains per hour at low speed on the Chiltern Line which travels across the valley and reflects off buildings in the Village. Your Petitioners are gravely concerned about the impact of noise and light pollution during the construction phase of the project and the potential for this to impact on their family's health, well-being and sleep and notes that the impact of such pollution on health and well-being is well-documented.
23. Your Petitioners are concerned that the operation of the high speed railway will give rise to frequent intermittent noise at the village of Little Missenden. Your Petitioners also use many of the public rights of way in the area to enjoy the rural peace and tranquillity. Noise from passing trains will directly impact on your petitioner's property and when using the public rights of way. Your Petitioners are concerned that this operational noise will adversely impact their family's sleep and health.
24. Your Petitioners are unaware of any evidence of monitoring of noise at the portal exit in Mantles Wood. Your Petitioner requests that noise monitoring system is put in place before the commencement of the project and that HS2 Ltd is compelled to adopt stringent impact assessment criteria which reflect the current tranquil rural

environment of Little Missenden, the way sound travels across the Misbourne Valley and reflects off buildings, and the range of airborne and ground-borne noise arising from both construction noise and intermittent noise during operation. Your Petitioners submit that the use of noise studies of HS1 as a primary source of information is not sufficiently up to date and that standards outlined in the WHO 'Guidelines for Community Noise' should be exceeded because these relate to continual noise.

25. An extended tunnel to Wendover would mitigate the above concerns. If this is not possible Your Petitioners request that binding mitigation measures are put in place prior to construction and in particular from the tunnel entrance at Mantle's Farm to ensure agreed maximum levels are monitored and adhered to. Mitigation using sound barriers should not create significant effects in other ways or be unsympathetic to the landscape, reduce visual amenity and be detrimental to ecological concerns.
26. Your Petitioners request that work through the Chilterns AONB is limited to Monday to Friday 0700 - 1800hrs to prevent night-time disturbance and the nominated undertaker should be required to enforce this. No night-time noise should be felt in the Property during operational phases at night-time between 1800 and 0700hrs.
27. Your Petitioners request that all lighting for the [construction phase of] project should likewise be entirely extinguished at night between the hours of 18:00 and 07:00am.
28. Your Petitioners request that HS2 Ltd construct the route so that ground-borne noise is inaudible in residential areas including Little Missenden.

Vibration

29. Your Petitioners are concerned about the effects of vibration arising from the construction of the high speed railway and associated development including heavy construction traffic. Your Petitioners are also concerned that the operation of the high speed railway will give rise to vibration. Vibration will severely impact upon the use and enjoyment of the Property by your Petitioners and your Petitioners family's health.
30. Your Petitioners request that there should be binding mitigation measures including vibration and resultant damage mitigation and a monitoring system in place before commencement and during construction and operation. Binding mitigation measures should include but not be limited to an express obligation to undertake specific measures to limit and repair structural and other damage to the Property in perpetuity.

Utilities and services

31. Your Petitioners note that the Environmental Statement identifies a risk of contamination to water supplies and requests that HS2 Ltd must be required to ensure the maintenance of uncontaminated water supplies at all times during

construction. Your Petitioners are concerned that work along the A413 could impact the green telephone box and lines sited near the construction site and requests that HS2 Ltd is required to ensure that broadband reception is maintained at the speed and stability received at the Property prior to commencement of work. Compensation should be payable commensurate to resulting costs and inconvenience, including lost working hours for home workers.

32. Your Petitioners request that during construction, if electricity pylons are to be moved, then they should not be replaced but the wires placed underground to make some measure of restitution of the landscape of the AONB for the damage caused by the scheme.

Environment and Chilterns AONB

33. Your Petitioners are gravely concerned about the permanent impact that the construction will have on the River Misbourne. Your Petitioners Property lies within a flood plain but no documentation shows that it has flooded to date. Your Petitioner is concerned about potential change to water courses as a result of construction. The River Misbourne is a rare chalk stream with a natural spawning brown trout having made the river its home. What effects construction and chemicals used in construction of HS2 will have on this ecologically important and beautiful river is incalculable. If the river changes course due to tunnelling this will affect the ancient houses further downstream in Old Amersham. Measures must be introduced to ensure that the river and its wildlife do not suffer pollution. Compensation must be afforded to those affected. Your Petitioner requests that the impact of construction on the Chilterns aquifer and the river Misbourne, local water tables, flood plains and the risk of flooding due to water run-offs is assessed and the necessary ameliorative measure put in place prior to construction.
34. Your Petitioners are gravely concerned about the permanent impacts on the nationally designated landscape of the Chilterns AONB. The tunnel exit at Mantles Wood and route through the Chilterns AONB is profoundly damaging to a nationally designated landscape in terms of a wide range of impacts including noise, visual, ecological and heritage impacts. Your Petitioners aver that mitigation should be to an appropriate level which reflects the national importance of this irreplaceable landscape. Your Petitioners make extensive use of the recreational facilities afforded by the AONB and are gravely concerned about the loss of visual amenity and destruction of woodland, in particular the Ancient Woodland at Mantles Wood.
35. The beauty and tranquillity of the AONB attracts many visitors and is easily accessible from London, the South East and the Midlands. Your Petitioners are concerned that blight on the area during the construction phase and the continuing audible and visual intrusion of the railway in operation will deter the visitors on which the Little Missenden infrastructure - and that of neighbouring towns and villages - depends. This tourism contributes to the social and economic buoyancy of the area, supporting local amenities, including public houses. The impact of a reduction in visitors and resulting loss of key businesses and amenities will have a severe impact on local residents.

36. The cranes and other large construction equipment at the Vent Shaft, tunnel portal construction site and more importantly the overhead line equipment will have a substantial impact on the view and visual amenity from Little Missenden. With the raising of the line by 3m in the adjacent cutting, the catenary towers will be visually objectionable.
37. Your Petitioner submits that an extended Chilterns tunnel would mitigate most of these concerns.
38. Should this tunnel not be agreed your Petitioner requests that the findings and recommendations from the Environmental Impact Assessment, including impacts on wildlife, ancient woodland are addressed. A specific plan for mitigation on these factors and on visual amenity should be agreed prior to construction. This should include specific plans for the reinstatement of Mantles and Hedgemoor Woods with semi-mature deciduous native species. In post-construction phase the visual impact of the tunnel exit at Mantles Wood must be minimised by the sympathetic construction of embankments and bunds and their replanting with semi-mature native hardwood deciduous trees.
39. Your Petitioner requests that all disrupted footpaths are re-instated, preferably via a 'rolling' process of re-instatement during the construction phase but definitely as soon as possible after construction is completed.
40. Your Petitioner requests confirmation that the Community Fund provides compensation to local businesses affected by the construction of HS2.

Code of practice for Construction and commitment to mitigation

41. Your Petitioners are concerned that the nominated undertaker's ongoing accountability is unspecified. Your Petitioner requests that all mitigation plans including timetable for implementation are agreed in writing with the relevant local organisations and authorities and that these become binding through being enacted in law and is not the subject of an unspecified code of construction practice. Any monitoring required should involve the relevant local authority as well as independent experts. All mitigation measures must be put in place as soon as each part of the construction is completed and there MUST be a final agreement that all mitigation measures have been carried out as planned, prior to the construction being 'signed-off' by the local residents.
42. Your Petitioner submits that a simple system of claiming for damage caused by construction work is required, to cover structural and vehicle damage. This should not be insurance based and must offer speedy resolution. Houses at risk from construction, disturbance, pollution, vibration or tunnelling should have a funded survey carried out before work starts and after completion.
43. Your Petitioners request that each major construction site has a dedicated community liaison officer and formal monthly meetings should be held with local residents to review progress, complaints and safety issue

44. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far as it is affecting your Petitioners, should not be allowed to pass into law.
45. 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 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

ADRIAN BURT



JACQUELINE HARRIS



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