

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

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 SUSAN MASTERS

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 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.
- 8 Your Petitioner resides in Chalfont St Giles within the Area of Outstanding Natural Beauty (hereinafter referred to as 'the AONB').
- 9 Your Petitioner and their rights and interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Specific Objections – Damage to Misbourne Aquifer

- 10 Your petitioner is seriously concerned about the risk that the proposed construction works will seriously damage the River Misbourne and its aquifer. The Misbourne is a chalk stream that is typical of the AONB and is vulnerable to disruption to the aquifer that feeds and supports it. Depending upon how construction works impact the aquifer, your petitioner believes that there is a risk that the Misbourne may either dry up, or else flood. In this past year the heavy rain resulted in local flooding of the village centre, and damaged the local telephone exchange – damage that lasted for up to nine weeks.
- 11 HS2 has given no assurance that the engineering works will not seriously affect the Misbourne and/or its aquifer. They have only stated that ‘if there is a problem, we will deal with it’. Your petitioner believes this position is entirely inadequate, and much greater consideration must be given to this important issue. It is not acceptable that engineering works should be undertaken blindly – your petitioner strongly requests that no construction work is started without completion beforehand of a thorough geological survey.

Specific Objections – Traffic Congestion

- 12 Your petitioner is seriously concerned about traffic disruption in the Chalfont St Giles area during the construction period stretching over several years. In particular, your petitioner is concerned about the effects of construction traffic during building and maintenance of the vent shaft, and during the removal of up to 2 million cubic metres of spoil.
- 12 Your petitioner is seriously concerned that retail businesses in Chalfont St Giles will suffer from loss of business as a result of traffic congestion and lack of access and parking.
- 13 Your petitioner request that the nominated undertaker be required to mitigate these nuisances these nuisances, by amending the Code of Construction Practice and funding its enforcement by the Local Authority, to strictly apply the following measures:-
- (a) 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).
 - (b) 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.
 - (c) Constructing such facilities as may be necessary to remove excess spoil from the AONB by rail

Preservation of the Chiltern AONB

- 14 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.
- 15 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 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 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.
- 16 It is estimated that the value of this area is of the order of £500million to £750million¹. The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.
- 17 Your petitioner requests 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**², or as proposed by the **CRAG T 2 Tunnel**³, 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.

¹ "High Speed Rail in the Chilterns - Little Missenden to Wendover"
Report by Chiltern Conservation Board and Peter Brett Associates, Oct 2013

² 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

³ <http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

- 18 Your petitioner observes that the **South Heath Chilterns Tunnel Extension**⁴ 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 .
- 19 Your Petitioner contends 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.
- 20 Your petitioner further notes that the Environmental Statement does not exclude the possibility of contamination to public water supplies as a result of heavy engineering works 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 North West London.
- 21 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.
- 22 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.

⁴ <http://www.repahs2.org.uk>

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,



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