

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

Against – On Merits – Praying to be heard in person.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION of ROGER DAVID CONNOR

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 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 is Roger David Connor (hereinafter referred to as 'the Petitioner'), the joint owner/occupier of Bourn's Meadow, Little Missenden, Amersham, Buckinghamshire HP7 0RF, which is within the Chilterns Area of Outstanding Natural Beauty, within 250 metres of the route of the proposed railway and also the proposed Little Missenden Vent Shaft and Auto-transformer Station and within 450 metres of the proposed tunnel exit at Mantles Wood.

8. **Tunnel Through The Chilterns Area of Outstanding Natural Beauty (AONB)**

8.1 Your petitioner submits that the damage to the AONB caused by the Authorised Works should be reduced by ensuring that the line passes through the whole of the AONB in a bored tunnel, either as proposed by Chiltern District Council, or as proposed by the CRAG T 2 Tunnel, 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.

9. **Limits of Deviation**

9.1 Your Petitioner is concerned that paragraph 1(2) of Schedule 1 of the Bill provides that, in constructing or maintaining any of the scheduled works, the undertaker can deviate vertically upwards by up to three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans.

9.2 Your Petitioner is concerned that these deviations could make significant differences to the impact of the construction and operation of the high speed railway and associated development, for example by raising the track height to the detriment of the landscape. These potential impacts upon the environment are not adequately addressed in the Environmental Statement, which requires only that the undertaker must use reasonable endeavours to adopt measures to reduce adverse environmental effects, provided that they do not add unreasonable cost or delay to the construction and operation.

9.3 Your Petitioner submits that the provisions in the Hybrid Bill to allow deviation upwards or laterally should be deleted.

10. **Noise**

10.1 Your petitioner is concerned about the noise and vibration that will inevitably be caused by the construction and operation of the high speed railway and that the Bill contains no, or no adequate, mechanism to limit noise and the resultant nuisance during either construction or operation.

10.2 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 at too high a level in the Environmental Statement, resulting in a material underestimate of the significant noise nuisance likely to arise from the high speed railway.

- 10.3 Your petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above those considered acceptable by the World Health Organisation. Your petitioner draws attention in this respect to the moves by the World Health Organisation to set new lower targets as a result of the latest medical research on the impact of noise on human health.
- 10.4 Your petitioner is concerned that the specific impacts of ground borne noise have not been properly considered or explained to member of communities likely to be affected, neither does the limit for ground borne noise reflect good practice in this area. It is submitted that the methodology used to predict the impact of ground borne noise is insufficiently robust and that no amelioration measures have been suggested to deal with this matter.
- 10.5 Your petitioner therefore requests that:
- 10.5.1 HS2 Ltd be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure, in rural and urban areas during the day and at night-time, reflecting World Health Organisation guidelines.
- 10.5.2 HS2 Ltd be required to set noise limits for construction in line with World Health Organisation limits.
- 10.5.3 Local authorities be provided with enforcement powers to require the cessation of construction activities in the event of breaches of these limits.
- 10.5.4 HS2 Ltd be obliged to design a high speed railway that will not create noise in excess of these limits.
- 10.5.5 The Bill be amended to impose an obligation upon HS2 Ltd to introduce additional noise mitigation measures including, if necessary, reduction in train speeds in the event that forecast noise levels are exceeded.
- 10.5.6 HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension, that is to say, ground borne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.
- 10.6 Schedule 25 of the Bill removes the remedy provided by the Environmental Protection Act 1990 section 82 to persons affected by statutory nuisance resulting from construction works if the nuisance is created by something that cannot reasonably be avoided. Your petitioner submits that this provision is not necessary, unfairly prejudices those who might be affected by such nuisance and should, therefore, be removed from the Bill.

11. Waste

- 11.1 Your Petitioner submits that the impact on local communities resulting from the amount of waste to be excavated and removed from the construction of the high speed railway has been underestimated and that the legal requirements to seek to avoid disposal of waste and to comply with the principles of the waste hierarchy have not been followed by HS2 Ltd.

11.2 Your petitioner is concerned that the forecasts provided for each Community Forum Area for amounts of waste to be excavated and removed from each such area appear to be contradictory and fail to take sufficient account of local authority planning policies.

11.3 Your petitioner submits that HS2 Ltd should be required to comply with the requirements of the Waste Framework Directive (2008/98/EC) and, therefore, to review its decisions on treatment of waste in order to ensure compliance with the waste hierarchy as detailed in that Directive. Such review should include the publication of details of the "integrated design approach" to waste management and subject to consultation to enable effective public participation on this issue.

12. **Code of Construction Practice**

12.1 Your Petitioner is concerned that the nominated undertaker's ongoing accountability for good construction practice is unspecified. The Code of Construction Practice does not specify how any lead contractors will be compelled to comply with the Code, neither does it provide for redress and appropriate action in the event that the contractors do not comply with the Code. It is submitted that the assumption in the Environmental Statement that the Code of Construction Practice and strategies will be complied with cannot be justified in the absence of provision for their enforcement.

12.2 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.

12.3 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 such as, "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 elements to be addressed in the Code of Construction Practice.

13. **Air Quality**

13.1 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.

13.2 Your Petitioner submits that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 (SI 2010 No 1001) and a copy of this report should be made public. Your petitioner further 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.

13.3 Your Petitioner requests that the Bill should be amended to empower local authorities to monitor air quality in accordance with binding mitigation plans and, in

the event air quality thresholds are breached, to require the cessation of construction activities pending a resumption of compliance.

14. Hydrology

- 14.1 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 of surface water into surrounding watercourses. This is a manifest danger in the Misbourne Valley, in which Your Petitioner lives.
- 14.2 Your Petitioner submits that the Bill should be amended to provide that, throughout construction, there should be sampling and testing of surface water at different locations surrounding each construction site. The results from the sampling should be delivered to the Environment Agency and the relevant local authority for checking against accepted water quality levels.
- 14.3 Your Petitioner submits that the Bill undermines long-standing and important legal safeguards concerning the safety of drinking water and submits that Clause 31 and schedule 20, which would override key protecting public water supplies, should be deleted.

15. Compensation

- 15.1 Your Petitioner submits that the provisions in relation to property that is not compulsory acquired are inadequate to compensate your Petitioner adequately for the loss and damage he would incur as a result of construction and operation of the high speed railway and associated development.
- 15.2 Your Petitioner submits that the Bill should be amended to ensure that he and other persons outside the safeguarding area who are adversely affected by loss of value should be entitled to compensation.

16. Ecology

- 16.1 Your Petitioner is concerned about the adverse impact upon flora and fauna of the construction and operation of the high speed railway and associated development. Your Petitioner submits that the Bill should be amended to provide binding measures to reduce such impact, in particular requiring the avoidance of damage to ancient woodland and migration routes for wildlife as well as compensatory measures to offset habitat loss and other damage.
- 16.2 Your Petitioner submits 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 the period of 60 years from the start of construction of the railway to be managed by an independent body which should monitor progress and publish reports with a "no net biodiversity loss" objective and that the Bill should be amended accordingly.
- 16.3 Your Petitioner submits that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 should also be followed. These should include the revision of the Environmental Statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity and the carrying out of outstanding environmental surveying as soon as possible.

17. **Little Missenden**

17.1 **Traffic.** Little Missenden is a small village situated on a loop off the A413. It contains a Saxon church, a primary school and two public houses. A kindergarten operates at the Village Hall. A substantial part of the village is within a conservation area. The road through the village is winding and narrow and, in the main, has no footpaths. The effective width of the road is commonly reduced by parked cars. The amount of traffic on the part of the A413 that passes the village (a single-carriageway road) currently runs close to capacity at peak times. The volume of traffic using this road will inevitably be increased significantly by the heavy vehicles required to transport the vast quantities of spoil from the tunnel exit at Mantles Wood as well as the spoil from the excavation of the Little Missenden Vent Shaft. A substantial increase in the volume of traffic on the A413 would inevitably result in congestion and the likelihood that drivers would use the village road as a diversion. This would be very highly undesirable, having regard to the absence of provision for pedestrians including, of course, parents taking children to and from school and kindergarten. Your Petitioner is concerned that there appear to be no proposals to deal with these matters and submits that the Bill should be amended to require the Nominated Undertaker to put in place appropriate provision to deal with this matter before the commencement of construction.

17.2 **Noise.**

17.2.1 The proposed route of the tunnel at the point at which it is closest to Your Petitioner's home would be only 15 metres deep. Your Petitioner is, therefore, particularly concerned as to the likelihood of the transmission of ground borne noise as set out in paragraph 10 above.

17.2.2 The proposed exit of the tunnel at Mantles Wood is at a height of 135 metres on the side of a hill. Both these factors are likely to increase the risk of noise nuisance and reinforce the submissions made in paragraph 10 above.

18. Your Petitioner respectfully seeks to reserve the right to raise the above matters and any further matters of relating to the substance of the Bill and this Petition as may result from discussions, the preparation and publication of reports, possible revisions to current work site proposals or any other matters relevant to expressed concerns or occurring prior to appearance before the Select Committee.

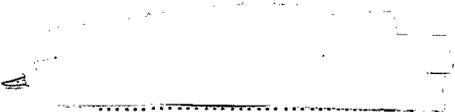
19. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, the Bill should not be allowed to pass into law.

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

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 he may be heard with 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 his 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



SIGNED

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AGAINST, in person

Roger David Connor

