

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 JAMES MCKENNA  
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.

### Your Petitioner

- 7 Your Petitioner is a resident in the Chilterns Area of Outstanding Beauty (AONB), who will be directly and specially affected by both the operation and construction of the proposed HS2 line.
- 8 Your Petitioner is the freeholder of a house in Ballinger Road. This property is in the

South Heath area of Great Missenden parish, a community of over 300 homes that depends on the facilities of Great Missenden and surrounding villages/towns, and will be permanently blighted by HS2.

- 9 Your Petitioner moved here to live in the AONB ten years ago, in order to enjoy the countryside[with his family, with its access to footpaths, woods, wildlife and exceptional views. Ballinger Road runs from the crossroads at South Heath towards Herberts Hole and Ballinger. Peace and tranquillity are all a high priority and a key part of daily life.
- 10 Your Petitioner frequently walks the footpaths between the Misbourne valley and the ridge to the east. These public rights of way (PROW) will be stripped of their rural nature and tranquillity by HS2. A large swath of Sibley's Coppice will be devastated by the construction of the green tunnel, and it, and the footpaths through it, will lose their character.
- 11 Your Petitioner's home is within [500] metres of the line of HS2. Although the line will be in the green tunnel at this point my home will be within [???] metres from the north/south portal and consequently be exposed to excessive noise from the operation of HS2. It is also within the Zone of Theoretical Visibility of HS2 for construction and operation (as set out in the Environmental Statement (ES)).
- 12 Ballinger Road is effectively cut off from Great Missenden by the connecting roads being construction routes. These roads will be used by construction traffic for a total of 4 years. Your Petitioner and his family use Frith Hill (South Heath Leg) for accessing Great Missenden several times a day, as this is the direct route. Frith Hill will be entirely closed for 2 years and used by unsuitable heavy construction traffic when it is open. The alternative route via Kings Lane and the B485 will be heavily congested, as they are also construction traffic routes. Other alternatives will be congested as they are also construction routes or will carry excessive traffic from those seeking a way round the congested direct routes. This will isolate the Petitioner's home from Great Missenden, the A413 and Chesham, and will make daily life very difficult.
- 13 Your Petitioner actively enjoys walking in the locality and is particularly concerned about the impacts of HS2 on the area.
- 14 Your Petitioner's rights interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

#### **Your Petitioner's Concerns**

- 15 Your Petitioner is concerned about the long term damage and permanent injury from visual and acoustic impacts in the AONB of the operation of the line between Mantles Wood and Wendover, and its supporting infrastructure and furniture. The destruction of ancient woodlands (that represents 30% of all the losses to ancient woodlands on the line), the loss of farmland and landscape, the proposed new dump of spoil at Hunts Green Farm, the embankments and viaducts across the valley, the permanent stopping up and re-routing of PROW, all add up to a severe impact on this area of the Chilterns AONB.
- 16 HS2 crosses the widest part of the AONB and less than 50% is in a bored tunnel. Between Mantles Wood and Wendover, Buckinghamshire, the proposed route is on the surface and includes sections in shallow cuttings, on two viaducts, on embankments and in two green tunnels. 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.
- 17 Your Petitioner is concerned that the Promoter of the Bill has ignored the obligations to protect the AONB, and cannot understand how they consider that the proposed surface

route of the line for this area meets the requirements to protect and preserve the tranquillity of the area and the beauty of its landscapes. The special qualities of the AONB cause it to be visited over 50 million times a year by visitors from London and other areas. Your petitioner requests that changes be made to the Bill to ensure the fullest possible protection of this part of the AONB, both during and after construction, this being a special requirement exclusive to this area. No other part of the line is within the AONB or has the statutory protection afforded to the AONB.

- 18 Your Petitioner is gravely concerned that line will create an unacceptable visual impact along the AONB section of the line from Mantles Wood to Wendover. The raised embankments and viaducts plus the overhead lines and gantries would together with the light pollution, and other ancillary structures will constitute a major permanent eyesore along this section of the AONB.
- 19 Your Petitioner is gravely concerned about the 'sustainable placement' of spoil in the AONB (at Hunts Green) as a contravention of the provisions protecting the AONB in the 'Countryside and Rights of Way Act 2000'. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding Natural Beauty. A spoil heap, if created behind Hunts Green, will take years to settle and become established and will, in any event, create an artificial hill and an unacceptable scar in the AONB. It will be more than twice the size of Green Park.
- 20 Your Petitioner objects to the use of balancing ponds in the Chilterns AONB as they are not natural ponds and would significantly alter the character and visual aspects of this area.
- 21 Your Petitioner is concerned about the level of exposure to the noise of operations from the footpaths, the lanes in my environment. Noise would severely impact upon the use and enjoyment of homes in my community, as well as on the neighbourhood's general amenity, and open spaces. This and the visual obtrusiveness and loss of natural landscape will severely and permanently reduce the attractiveness of the area and thereby damage an important national asset. Even by year 15 it will be seen from over 20km<sup>2</sup> of the AONB.
- 22 Your Petitioner is concerned about the loss of natural habitats for wildlife and habitat severance as the railway constitutes a barrier. There will also be an unacceptable effect on owls and bats that the ES informs us will be killed within 1.5km of the line.
- 23 Your Petitioner is concerned that HS2 will give rise to an enormous impact on the quality of life of those in its vicinity. Such matters were not even included in the ES, as the 'Health Impact Assessment' was not part of the ES and not included in the consultation.
- 24 Your petitioner is concerned about the property blight effects on the value of his home, with over 2,500 homes within 1km of the line in the section of the AONB which is not in a bored tunnel. Your Petitioner's home is now permanently blighted and has been since 2010. The blight impacts on the value and saleability of his home. **This is not an hypothetical concern – he has tried to sell his house since 2010 and has been unable to do so.** It is causing your Petitioner great anxiety and stress as he has a pressing domestic need to do so, and the compensation arrangements are wholly inadequate in addressing the problems.
- 25 Your Petitioner is concerned about light pollution and the permanent loss of the nightscape caused by HS2, its maintenance and the proposed lit roundabout at the junction of Kings Lane with the B485. The South Heath community currently has no street lights.
- 26 Your Petitioner is also seriously concerned about the impacts of construction. The resultant dust, noise, hours of work, vibration, traffic movements, congestion and access problems and other implications of the long period of construction will make the

Petitioner's life challenging. Your Petitioner will continue to need to use the narrow lanes and roads which will cross and be affected by the construction of the proposed line particularly for access to Great Missenden and Wendover and Chesham. This will render problematic trips for shopping, recreation, medical services and rail access. The local Accident and Emergency Department is at Stoke Mandeville, beyond Wendover along the A413. Your Petitioner will continue to need to gain access to the A 413, which is on the other side of the proposed HS2 line, for London and all other areas. Your Petitioner is concerned about proposals to use the local narrow country lanes for construction vehicles and the effects of construction traffic using the A413 and B485.

- 27 Your Petitioner is gravely concerned about the inadequacy of measures proposed to mitigate the effects of construction traffic and the intended diversions and road closures and that this will place a further burden on the roads in this community, which are already under pressure. There will be a consequent effect on the businesses of Great Missenden and Chesham in particular that will suffer from loss of custom, due to difficulties of access.
- 28 Your Petitioner is gravely concerned about the effects on road safety in South Heath of construction traffic and the risk it poses to vulnerable users (pedestrians, children, cyclists, equestrians and the elderly).
- 29 Your Petitioner is concerned about the effects of noise and vibration, and dust, dirt and air quality and the severe disruption to traffic arising from the construction of the high speed railway and associated development including heavy lorry traffic.
- 30 Your Petitioner is concerned that the nominated undertaker's ongoing accountability is unspecified and that the Code of Construction Practice is inadequate and has no legal status, with no independent means of monitoring and assessing compliance or sanctions for breach.
- 31 Your Petitioner is concerned that the emergency services will be unable to provide timely support due to road congestion, closures and diversions during the construction period.
- 32 Your Petitioner is concerned about the impact of the construction works on the chalk stream of the River Misbourne and the damage to the quality of drinking water supply
- 33 Your petitioner is gravely concerned about the spoil to be excavated and arrangements for movement and storage of spoil. Spoil stores will create pollution and be huge eyesores that are too close to homes that are often downwind – as your Petitioner's is.
- 34 Your Petitioner is concerned that land which is occupied and utilised by contractors during construction will not be cleared and restored after completion to a satisfactory standard for the AONB or in the worst case that it will simply be abandoned by the contractors
- 35 Your Petitioner is also concerned about errors and omissions in the Environmental Statement and matters which your petitioner understands will be clarified or corrected at a later stage and that these may call for further mitigation or remedies to be considered by the Select Committee
- 36 Your Petitioner wishes to express concern regarding the poor provision of information supplied by the promoter, including in particular errors and omissions in the Environmental Statement with Plan and profile maps remaining unavailable, and furthermore, supplementary information such as the Code of Construction Practice has remained in draft form.
- 37 Your Petitioner strongly objects to the diversions and closure of public rights of way in the area and the reinstatement of some PROWs by making them run alongside the line rather than by new footbridges and is further concerned that, for this section of the AONB, none

of these are to be green bridges despite the intentions of the Promoters to build green bridges elsewhere along the route.

### **Remedies /Mitigation requested**

- 38 Your petitioner requests that measures be taken and changes be made in the Bill or the Code of Construction Practice or by obtaining binding undertakings from the Promoter to address the various concerns of your Petitioner as listed above.
- 39 Your Petitioner requests that the AONB be protected from these effects by amending the Bill so the line passes throughout the AONB in a bored tunnel, as proposed by the Chiltern District Council<sup>1</sup> or by extending the present Chiltern tunnel proposals by adopting the CRAG T2<sup>2</sup> proposals. The latter is referred to in the Environmental Statement and accepted as both feasible and environmentally preferable. Either of these options would substantially remove the adverse effects complained of in this petition and the need for the proposed remedies otherwise required.
- 40 Your Petitioner requests that, if the proposal for a full tunnel throughout the AONB is rejected, then the Proposer's Chilterns bored tunnel should be extended at minimum for 4kms from Mantles Wood to Leather Lane. The South Heath Chilterns Tunnel Extension<sup>3</sup> (SHCTE) (referred to as the REPA tunnel in the ES at Vol 2, 2.6.18 CFA 9 but extended to Leather Lane) has acknowledged substantial environmental benefits, and for no net cost can preserve a further 4km of the AONB from adverse effects – including that part in the immediate vicinity of your Petitioner's home.

### **Addressing permanent issues**

- 41 In the absence of extending the Chilterns' tunnel then the following mitigations would be needed to ameliorate the worst of the permanent effects, and your Petitioner requests that provision is made for:
- a. the cuttings adjacent to the South Heath Green Tunnel should be made deeper, and return to the levels originally proposed by the 2011 consultation, with continuous full height (5m) high specification sound barriers (both sides of the line to protect residents and footpaths) immediately adjacent to the track to reduce noise, and with bunds to conceal the line and the gantries where appropriate. Furthermore the South Heath Green Tunnel should be extended to provide better protection in operation to Potter Row and South Heath and the footpaths out of Great Missenden to Potter Row, and between Little Missenden, Hyde Heath and Hyde End.
  - b. HS2 is placed in fully retained cuttings to reduce land take of gardens, ancient woodland and farmland
  - c. That the power for the contractor to raise the line by up to 3 metres is excluded for the AONB section of the line, especially in the area from Mantles Wood to the Wendover Dene viaduct where the line has already been raised from the alignment originally proposed
  - d. That provision is made for constructing bridges where there are established rights of way, and to make these green bridges, in order to retain trees and shrubs and permit wild life access, particularly given that this is part of the AONB. Plant mature trees over the South Heath green tunnel to emulate the previous character.
  - e. That the speed of the trains be reduced as per the recommendation of the House of Commons Environmental Audit Select Committee Report, but permanently, in order to help reduce the environmental impact.
  - f. That compensatory planting commence at the earliest opportunity and with the use of mature trees able to grow to at least forty feet high, in order to conceal the line from

<sup>1</sup> <http://www.chiltern.gov.uk/article/4429/HS2---Campaigners-launch-their-case-for-Going-Underground-to-preserve-AONB>

<sup>2</sup> <http://www.thelee.org.uk/HS2%20storage/Proposals%20for%20the%20Chilterns%20Tunnel%20Extension%20Dec%202013.pdf>

<sup>3</sup> <http://www.repahs2.org.uk>

view at the earliest possible time – with funding for their maintenance in perpetuity. Where this replaces ancient woodland it should adopt the 30:1 ratio supported by the Woodland Trust and not 4:1 as currently proposed

- g. That the plans for the Hunts Green Spoil Dump are cancelled and that arrangements be made for the spoil to be removed from the area by rail or pipeline. Your Petitioner points out that, if the full tunnel proposals are adopted, then the amount of spoil involved for this section of the line will be very substantially reduced and it would also all be removed at the Wendover exit of the tunnel, and that if even the REPA tunnel is adopted, according to HS2 Ltd there would be no need for the Hunts Green landfill site, as there would be no surplus spoil.
- h. That in relation to the balancing ponds and other water management measures, that alternative techniques are considered in consultation with the local authority, and that if necessary waste water is tanked and then removed for sustainable disposal
- i. That property blight is compensated by extending the compensation available under the Land Compensation Act 1973 to cover all losses not just those relating to nuisance
- j. That the pylons are removed and the power lines are reinstated underground, rather than moved and then re-instated on the surface, as proposed
- k. That the Wendover Dean and Small Dean viaducts and adjacent embankments be of high quality infrastructure to be made as visually pleasing as possible, with enclosures where possible and with boxing for effective noise containment .
- l. That the existing proposed green tunnel at Wendover be extended to the south and north of Wendover.

#### **Addressing construction issues**

42 Your Petitioner requests that the Nominated Undertaker be required to mitigate the construction issues, by giving the Code of Construction Practice legal effect, with independent assessment of compliance and sanctions for breach. The Code should specify, in all cases, the need for work, facilities and construction, to be to the best available standards and techniques, and to the highest standard of construction and operation of the railway and its associated developments. The Code should be amended to enforce the following measures:-

- a. Properties in the South Heath area are significantly blighted from the prospect of HS2, and this is likely to worsen when construction is underway. To address this, the proposed 'need to sell' scheme should be amended to cover anyone wishing to sell their property if it is blighted irrespective of financial status. Or alternatively the property bond as proposed by HS2 Action Alliance should be implemented. Furthermore, all those remaining who suffer the impacts of construction should be compensated.
- b. Construction noise and vibration - including that from construction traffic – lasts for years in total and so should not be allowed higher noise limits than for HS2's operation. Exposure should be monitored and enforced by the Local Authority who should have powers to stop work if limits are exceeded
- c. Constructing new temporary roads to access the trace directly from the A413, and prohibiting the use of all existing minor roads in the AONB to be used by construction traffic eg Potter Row, Kings Lane, Hyde Lane, Hyde Heath Road, Frith Hill South Heath leg).
- d. Restricting HGV movements to the period 09:30 – 15:30 throughout this section of the AONB.
- e. Additionally prohibiting HGV movements along school routes between 15:00 and 15:30.
- f. Prohibiting any widening, straightening or enlargement of the narrow minor lanes for construction traffic.
- g. 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.
- h. Dust exposure limits to be specified, monitored and enforced by local authorities (funded by the promoter), with powers to stop works if exceeded. Special attention to be paid to the spoil heaps and impacts of westerly winds effecting South Heath and

Hyde Heath

- i. That contractors in the AONB be required to restore the land and temporary access roads after use to acceptable AONB landscaping and that local authorities be given the power to inspect such works and if necessary sanction contractors
- j. During construction, the Nominated Undertaker must be responsible for maintaining the quality of all roads used during and after construction, so that the roads must be returned to its original size and character, and all damage repaired by the nominated undertaker.
- k. That the Promoter provides an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response.
- l. A hotline should be set up allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed and remedied in a reasonable length of time.
- m. That in relation to the River Misbourne, full surveys and continuing monitoring should be undertaken regarding water quality and the effect of the construction works, with actions undertaken, including cessation of construction in this area, if any adverse impacts are found

43 If Parliament only agree the SHCTE, mitigations with reference to the AONB north of Leather Lane are required.

#### **Full Tunnel proposal**

44 The Petitioner emphasises that the mitigation measures set out in paragraphs 41 and 42 above would in large measure be unnecessary and the impacts would be otherwise effectively mitigated if the Bill were to be amended to include the provision of a full tunnel throughout the AONB.

#### **Objection to the detailed route and speed**

45 Your Petitioner doubts that the current route that accommodates the proposed inappropriately high speed through the AONB would have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties in constructing a line through this area would have become apparent. A lower speed would allow HS2 to use existing transport corridors and greatly reduce environmental impacts, while adding little to journey times. Dropping the maximum speed from 225 mph to 185 mph adds just 4.5 minutes to the London – Birmingham journey time, according to the draft ES. 'Future proofing' the route to allow 250 mph in the future, increases the environmental damage caused by the route.

46 Your Petitioner requests that a lower speed be adopted –such as that of HS1 – and a route be determined and adopted that exploits the greater ability for following existing corridors and avoiding sensitive environments.

47 The list of grievances above is by no means exhaustive and, due to the inadequacy of and omissions and errors in the Environmental Statement (ES) prepared by HS2 Ltd, it is inevitable that that the construction of HS2 will disrupt the lives of the residents in the AONB, including those of your Petitioner, in ways which have not yet been realised. Your Petitioner wishes the ES to be corrected and for him to be allowed to raise further issues of concern on those matters which are corrected or on which additional information is provided, eg road congestion, waste management and noise.

48 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.

49 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, your Petitioner's Residents and their rights, interests and property and for which no adequate provision is made to protect your

Petitioner and your Petitioner's Residents.

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 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 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 Petitioner will ever pray, &c.

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(LONDON-WEST MIDLANDS)  
BILL

PETITION OF

JAMES MCKENNA

Member of Parliament for  
Barnet and Hendon, 2010-2015

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Member of Parliament for  
Barnet and Hendon, 2019-2021