

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 AMERSHAM ACTION GROUP  
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 The Amersham Action Group was established in 1997 to promote and progress revitalisation of Amersham. Our membership includes voluntary, church organisations and a number of individuals with the best interests of the town at heart; with the determination “to make a real difference” to community matters along with planning and environmental issues. The Chairman and other officers are elected and minutes of the 10 or 11 meetings a year are recorded. The members all reside in Amersham, surrounded by the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as the AONB )
- 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; it was the case that at the Select Committee stage of considering Crossrail, they used their power and key changes to the route initially provided for in the Bill were accepted as being necessary.

Whilst you will inevitably have a number of petitions along the route from those who some may regard as Nimby’s, may we draw your attention to a letter sent by one of our members to the Prime Minister ( and 15 other key politicians ) on 28<sup>th</sup> February 2011.

This stated “ Finally, you may note that I am writing from Amersham, less than ½ mile from the proposed HS2 rail route. A NIMBY you will say but National Interest Means Best Yield; and you will not get this by constructing a separate line running up to Birmingham. Of course, greater investment in public transport is desirable, if all appropriate tests are positive, but we will become the laughing stock of Europe if this line is built ! Just see the maps on Eurostar trains running out of St Pancras. They show a continuous network through the Channel Tunnel and across many countries. So only Britain could propose an HS2 that does not continue directly from HS1 at Stratford, where there is already a line North through Finsbury Park ..If eventually there are to be HS trains running to Europe from the North West, Scotland and the North East, how sensible is it to plan an “all change”, everybody off .. in the middle of the night ? ..The first spur already exists into St Pancras. Which politicians are going to grab the bigger picture here ? “

Phillip Hammond when Transport Minister stated on BBC’s Today Programme that “ direct trains from Edinburgh to Europe will reduce demand for flight slots in London “ and this was brought to the attention of the Prime Minister in a letter from our same member on 21<sup>st</sup> January 2012.

The task is to consider whether the present route has so many fundamental flaws, that as proposed it may not best serve the national interest.

Your Petitioners have 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 eg. flood defences, and the numerous pot holed roads. Your Petitioners instead support 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.<sup>1</sup>

- 11 Your Petitioners are certain that the current route through the AONB, would not have been selected had a Strategic Environmental Assessment been conducted, since the obvious difficulties now encountered in constructing a line through this area would have been made apparent. No comparison of the AONB route with other alternatives has been attempted in the Environmental Statement, as is required by the Countryside and Rights of Way (CROW) Act 2000.

### General Concerns

- 12 As residents enjoying 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 the construction of HS2 will disrupt the lives of residents in and immediately outside the AONB in ways which have not yet been identified or considered.
- 13 Your Petitioners contend that the Environmental Statement produced for DfT/HS2 Ltd is unfit for purpose on the grounds that
- It is produced by the engineering companies likely to benefit from the awarding of construction contracts for HS2.
  - There are inaccuracies in the statements in the ES
  - The effects of the ES are based on the views of these consultants only, and are understated
  - It does not meet national or World Health Organisation guidelines on noise, and ignores for example tranquil areas such as the AONB
  - It fails to take into account the environmental effects of construction traffic and works
  - It makes invalid comparisons of carbon footprint between air traffic and proposed HS2 trains.

Consequently, the impacts of this project on your Petitioner have been greatly underestimated, and the proposed mitigation measures are totally inadequate to afford any significant abatement.

- 14 Your Petitioners therefore submit that because of the above, the Environmental Statement should be withdrawn from the Hybrid Bill, and that progress of the bill be halted until an adequate and credible ES has been produced by truly independent sources, having no vested interests in the proposed HS2 project. The replacement ES should then be the subject of public consultation, for the same time period (as extended by House of Commons and House of Lords) as was the case with the current ES that this Petitioner finds unfit for purpose.

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

### Preservation of the Chiltern Area of Outstanding Natural Beauty

- 15 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.
- 16 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. 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, which it is not disputed is the very reason for the original designation of the AONB .
  - have severe adverse effects on the social, environmental and economic cohesion of the area during and for a period after its construction,
  - permanently and seriously impair the Petitioners ability to enjoy the natural benefits of this AONB.
- 17 Your Petitioners understand that the Landscape value of this area is of the order of £350million to £500million<sup>2</sup>. The value of the damage to this national asset as a result of the construction of HS2 through it will be enormous.
- 18 Your Petitioners request that the AONB be protected from the effects of this grave and destructive planning error by directing HS2 Ltd to ensure that the line passes through the AONB in a bored tunnel such as the CRAG T2 Tunnel<sup>3</sup>, or the subsequent Bucks CC proposal<sup>4</sup>; the former having been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable. This would substantially mitigate the adverse long term effects complained of in this petition, and remove the need for the less effective remedies proposed below.

### Water Supply

- 19 Your Petitioners are gravely concerned that the Environmental Statement admits the possibility of contamination to his water supply as a result of tunnelling in the Chilterns. Your Petitioners request that an independent scientific investigation into the likely effects of such serious disruption be carried out immediately. Your Petitioners would also 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 NW London.

### Construction Traffic

- 20 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 Petitioner has identified three aspects to the problems caused by construction traffic –

<sup>2</sup> “High Speed Rail in the Chilterns - Little Missenden to Wendover”  
Report by Chiltern Conservation Board and Peter Brett Associates, Oct 2013

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

<sup>4</sup> <http://www.51m.co.uk/hs2-tunnel-under-chilterns-practical-and-viable/>

1. The direct impact of construction traffic, causing congestion on construction routes, and physical damage to unsuitable or inadequate roads.
2. Indirect effects caused by non-construction traffic seeking to avoid congestion on the construction traffic routes by using other less suitable roads. The routes chosen by displaced traffic cannot be directly controlled by HS2's planners or the principal undertaker.
3. Cumulative effects of the previous items on the communities near the route, which include reduced access to the emergency services, increased journey times, reduced access to local recreational facilities, reductions in community activities; and decline in local businesses by creating a large "no go" area..

Your Petitioners note that only item 1 above was addressed in the Environmental Statement, and that in a totally inadequate fashion.

- 21 Your Petitioners note that the projected traffic on the narrower sections of the A413 will exceed 100% of road capacity during peak hours<sup>5</sup>, defined as the situation when the hourly traffic demand exceeds the maximum sustainable hourly throughput of the link. Traffic will back up on either side of these congested sections, causing congestion on the A413 throughout the AONB, and traffic displacement forced onto the small number of local alternative routes.
- 22 Your Petitioners observe that the greatest disruption to traffic will arise directly from diversions and closures affecting the B485 and Frith Hill, and indirectly from construction traffic and spoil movement associated with the proposed works between the Mantles Wood portal, and Leather Lane. Construction of the South Heath cut and cover tunnel, and the movement of spoil between Mantles Wood and the Hunts Green dump will sever the connections between communities on opposite sides of the line. Should a full Chilterns Tunnel be refused, they request that the **South Heath Chilterns Tunnel Extension**<sup>6</sup> be implemented. This extends the fully bored tunnel by 4km to Leather Lane, with acknowledged environmental benefits (which include preservation of 3 ancient woodlands and many homes) and at no additional cost.
- 23 The assertion that "there are no locations where there are existing clusters of accidents"<sup>7</sup> is inconsistent with the regular occurrence of serious and fatal accidents on the A413, and the known dangers associated with the Chiltern Line (Rail) bridge at Deep Mill. The risk will be increased considerably by the construction traffic generated by this project.
- 24 Your Petitioners regularly drives through the AONB to access employment, 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 uses the network of Lanes in the AONB for recreation, and regards these as a characteristic feature of the area which should be protected in accordance with the CROW Act (2000). Many of these cross the proposed route and will be diverted or interrupted during construction.

<sup>5</sup> As calculated according to the DfT "Design Manual for Roads and Bridges TA46/97"; see the Chesham Society ES response - [http://www.hs2amersham.org.uk/Resources/ES/Chesham/CheshamSoc\\_ES\\_2.3.pdf](http://www.hs2amersham.org.uk/Resources/ES/Chesham/CheshamSoc_ES_2.3.pdf)

<sup>6</sup> [http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA\\_final.pdf](http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA_final.pdf)

<sup>7</sup> ES Vol 2 CFA9 sec 12.4.19

- 25 Many footpaths and bridleways in the Misbourne valley will be stopped up or diverted, some permanently so. The destruction of the existing pattern of PROWs in the AONB will severely reduce its attractiveness to walkers, runners, cyclists and horse riders (four groups who received little or no consideration in the ES).
- 25 As residents of an area in the vicinity of 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 or close to capacity, and so further aggravate the impact on freedom of movement.
- 26 Your Petitioners consider the proposed Car Share scheme to be utterly and totally inadequate. They request that the nominated undertaker be required to mitigate the many remaining nuisances, by amending the Code of Construction Practice, firstly by deleting all occurrences of the phrase “where (reasonably) practical”, and secondly to provide funding which will enable Local Authorities to strictly enforce the following measures –
1. Constructing such facilities as may be necessary to remove spoil from the AONB by rail, so avoiding the creation of the spoil dump at Hunts Green, and the HGV traffic which would otherwise be required to remove this material.
  2. 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. (This might be achieved by constructing new access roads between Deep Mill and Mantles Wood, between Great Missenden (roundabout) and the South Heath ‘Green’ tunnel North Portal, and by accessing the Smalldean viaduct compound directly from the A413 instead of via Rocky Lane)
  3. Restricting HGV movements on all existing minor roads , so that there will be a chance for “locals” to find a way in and out of the area.
  4. Operating a ‘Park and Ride’ scheme to transport construction workers along the trace, from car parks outside the AONB, and enforcing this by not providing parking for contractors on or near the construction compounds.

### **Health and Welfare**

- 27 Your Petitioners are gravely concerned that the emergency services will be unable to provide timely support to the community and property due to road congestion during the construction period, and would respectfully remind the committee that the A413 and A404 carry ambulances to the local A&E department at Stoke Mandeville, as well as all HS2 traffic to and from the AONB.
- 28 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.

## Environment

29 The proximity to the capital is important, as although your Petitioners all live in Bucks; there is present easy access for millions of Londoners who can use their Oyster Card to Amersham, or travel further to the likes of Great Missenden or Wendover on public transport. They can now readily enjoy this area for leisure activities as those of you who have visited Chequers, or enjoyed a days walk from the heritage of Old Amersham (with a Market Hall dating back to 1682) will know. It is with this in mind that if the route proposed in the bill is broadly followed, the utmost duty of care is required to mitigate the disruption during the construction years, and the concern of near incessant noise of operating trains thereafter.

Your Petitioners make extensive use of the recreational facilities afforded by the AONB, and strongly object to the following impacts of the project –

1. Diversions of public rights of way, and reinstatement of some PROWs to run alongside the line.
2. Destruction of woodland and in particular of Ancient Woodland. Ancient Woodland represents an irreplaceable resource (as stated by HS2 Ltd); there is no evidence suggesting that translocation of Ancient Woodland is successful.
3. Adverse effects on the ecology of the AONB, in particular on the bat and owl populations and rare plants.
4. The use of 'sustainable placement' in the AONB (at Hunts Green) which your Petitioner regards as a contravention of the CROW(2000) Act. This large scale redesign of the landscape is incompatible with its status as an Area of Outstanding **Natural** Beauty.
5. Continuing audible and visual intrusion of the railway in operation. 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 obstructive. A reduction from the planned initial speed of 225 mph to 185 mph (as for HS1) increases the journey time from London to 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.
6. No mitigation has been proposed to address the impact on walkers, cyclists or horse riders, and their needs are hardly mentioned in the ES ( Vol2) reports covering the AONB ( parts 7 to 10)

The only practicable mitigation for all these impacts is the full tunnel as requested above. The creation of the Hunts Green Spoil Dump would also be avoided if spoil was removed from the area by rail ( see 27.1 above ).

30 Your Petitioners note that HS2 have identified land 'potentially required' for construction at the Amersham Vent shaft which will block the entrance to the Amersham Hospital. Furthermore, traffic to the materials store on the North side of the A404 will delay access to the adjacent Chilterns Crematorium. Your Petitioner therefore requests that the site plan is revised to remove these features.

- 31 Your Petitioners note that access to Amersham Old Town will be curtailed as a result of the increase in traffic congestion on the main access routes (A413, A404, A355) and that this will deter the visitors on which this town depends for survival. We have experience of grid lock around Amersham lasting hours ; for example when one of the hills on the through routes become impassable due to snow, and the queues then extend back in every direction , so the knock on effect readily reaches Amersham on the Hill.
- 32 HS2 Ltd/DfT must compensate all retailers and businesses in the affected area to the extent that demonstrated retail and business loss is identified as a result of HS2 construction. Furthermore during construction and operation of HS2, HS2Ltd/Dft should provide funding for a campaign to demonstrate that both Amersham Old Town and Amersham on the Hill are open on a 'business as usual' footing.
- 34 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above (to modify the works noted in paragraph 7) so far affecting your Petitioners, should not be allowed to pass into law.
- 35 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and his rights and interests and for which no adequate provision is made to protect your Petitioner.

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.

Nominated Member Amersham Action Group



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HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION OF AMERSHAM ACTION GROUP

AGAINST, By Counsel, &c.

Nominated Member of Amersham Action Group

Mr. [Name]

Chair, Amersham Action Group

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