

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 CHESHAM TOWN COUNCIL

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 Petitioners are the people of Chesham, represented by Chesham Town Council. Chesham is the largest town in the Chilterns District with a population of 21000, and surrounded on all sides by the Chilterns Hills. Its economy is sustained by shoppers from the surrounding villages, and by visitors to the AONB. Chesham is the terminus for Metropolitan line services from London, and its station is within easy walking distance of the AONB. It is an accredited “Walkers are Welcome” town, to maximise the benefits of its fortunate situation. The historic buildings of Chesham’s ‘Old Town’ are only 2.5 miles from the Chilterns Tunnel portal at Mantles Wood.
- 9 On the 24th July 2012 representatives of HS2 attended a bilateral meeting with Chesham Town Council and the Chesham Society. They engaged with us and asked and took questions, which were followed up on. Both bodies were represented on and attended all meetings of Community Forums 9 and 10, where the ‘dialogue’ with HS2 continued for more than a year. On the 26th November 2013, Alison Munro, the Chief Executive of HS2 Limited, wrote to the Clerk of Chesham Town Council thanking us for our response to the Draft Environmental Statement. Despite this extensive engagement, Chesham is mentioned only 5 times in the ES. Three of these references are to Archaeology, while the other two are dismissed as having “nothing to do with HS2”. No consideration has been given to the effects of this project on Chesham, and so no mitigation for the adverse effects on our community has been proposed by HS2 Ltd.

Objections

- 10 Your Petitioners and their rights and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 11 Your Petitioners consider that the operation of the proposed railway will cause great harm to the AONB to the Northwest of Chesham, due to noise pollution, visual impact and irreversible degradation of the Natural environment. As a consequence, its attraction to visitors and value as a recreational resource will be lost, and tourism related activities will suffer.
- 12 Your Petitioners understand that the Landscape value of this area is of the order of £500million to £750million¹. The loss sustained by this national asset as a result of the construction of HS2 through it will be enormous, but does not figure in the BCR assessments made by HS2 Ltd.
- 13 While the impact of construction will eventually cease, the effects cannot be dismissed as temporary, due to the extended duration of the works, which taken together will have a devastating effect on the communities of the AONB. Traffic congestion, noise pollution, dust and planning blight will affect residents trapped in unsalable homes. The economy of the AONB and of Chesham in particular will suffer from the absence of visitors, and its enforced separation from a number of local communities.

Requested Mitigation

- 14 Our requested mitigation, in descending order of effectiveness, is
1. An extension of the fully bored Chilterns Tunnel to a point outside the AONB – the FBT option.
 2. Should 1 be denied, then an extension of the bored tunnel by 4km to Leather Lane – the LLT option

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

3. Should both 1 and 2 be denied, then we request a range of measures to reduce the adverse effects of the construction and operation of the railway as it passes through the AONB on the proposed viaducts, embankments and cuttings. We doubt that these measures can provide anything approaching an effective solution, even given an unlimited budget. These are referred to as the Mantles Wood Tunnel (Portal) or MWT option below.
- 15 **The FBT option.** Nearly all the adverse effects described below would be avoided by an extension of the Chilterns fully bored tunnel to traverse the entire AONB and emerge to the North of Wendover. Such a tunnel was initially proposed by the Chiltern Ridges Action Group (CRAG), and the Environmental Statement concedes that the scheme is practical, and environmentally superior. This was later developed by Peter Brett associates (for Chiltern District Council), using a different horizontal alignment, to avoid some deficiencies of the original HS2 tunnel. The CRAG option was rejected in the ES (on cost grounds), but in the absence of any quantification of the relative costs, no meaningful discussions of the costs and benefits of this scheme have been conducted.
- 16 Your Petitioners note that the Environmental Statement does not rule out the possibility of contamination to their water supply as a result of tunnelling in the Chilterns. Your Petitioners draw your attention to the realignment proposed in the Brett FBT option, which would avoid the aquifer under the Lower Misbourne Valley and so reduce the risk to the water supply which serves this area and much of NW London.
- 17 **The LLT option.** Even the most cursory inspection of the current HS2 proposals show that the decision to end the Chilterns Tunnel at Mantles Wood is completely indefensible. In fact there are no published documents which justify this decision. It is clear that the magnitude of the construction works planned between Mantles Wood and the far end of the cut and cover South Heath ('Green') tunnel will not cost less than the incremental cost of extending the bored tunnel for 4km – just one additional year of tunnel boring. The benefits of tunnelling this section include
- Vastly improved mitigation for South Heath, a community which is acknowledged to suffer severe adverse impacts under the current proposals.
 - Greatly reduced impact on the road network in the AONB, since the Chesham-Missenden road (B485) will not be severed
 - Significant environmental benefits; 3 of the 4 threatened Ancient Woodlands (in the AONB) are preserved, and the reduction in spoil generated removes the need for the proposed Hunts Green Waste Dump (table 23).

The LLT option was proposed by the Chesham Society in response to the first maps released by HS2 Ltd in late 2012. While acknowledged to be a superior solution (in the ES), it was again rejected on cost grounds, without any supporting evidence. However, local residents (REPA) have commissioned a report which confirmed a slight saving (£10 to 20 m) on basic engineering costs. This would translate to a substantial saving if the cost of mitigation and compensation was taken into consideration. Regrettably the LLT option does nothing to mitigate the major adverse impact of the viaducts at the NW end of the Misbourne Valley.

- 18 **The MWT option.** This groups together various proposals to improve mitigation in the face of the current HS2 proposals. Attempts to retrofit mitigation measures to a flawed design cannot result in an acceptable solution; for example, the construction of bunds and noise barriers may reduce noise pollution but increase visual impact. Reduction in the line height may reduce visual impact (from the line itself) but would increase the impact of the spoil dump / landfill proposed at Hunts Green. Some features, such as the Wendover Dean viaduct, defy any attempts to mitigate any of the adverse effects. Despite these misgivings, the utter inadequacy of the current proposals leaves considerable scope for improvement, while still falling far short of what might be achieved by additional tunnelling. One option in particular (removal of spoil by rail) may lead to significant improvements.

Environmental Assessments

- 19 HS2 Ltd neglected to conduct a strategic environmental assessment, as is required by the Aarhus convention and to comply with the Countryside and Rights of Way (CROW) act, so the proposed route was not compared with less damaging options which follow existing transport corridors. The results of this omission are now emerging – for example the apparent inability of the planners to remove spoil from the AONB.
- 20 The environmental assessment published in November 2013 has proved to be quite inadequate, despite its extraordinary length and labyrinthine structure. This may be attributed to the fact that HS2 Ltd preferred to remain at their desks, and conduct a paper shuffling exercise, and also regarded the community consultations as merely box ticking and made no effort to adapt their design to any of the proposals offered by local communities. As a result, the ES is characterised by
- Major omissions
 - Inconsistent numerical data, particularly in relation to the Traffic assessments
 - Systematic underestimation of adverse effects, and a refusal make any quantification of these, where this might be possible.

The ES is not so much a balanced appraisal of the likely impact of this project as a prospectus drawn up by the engineering companies who hope to be paid to build it.

Operational Impacts

- 21 Your Petitioners have identified the following impacts which relate to the operation of the proposed railway –
1. Noise impacts, at different classes of receptor
 2. Visual impacts, of the different proposed structures
 3. Landscaping impacts caused by the destruction (and addition) of landscape features.

The cumulative effect of these impacts will be to degrade the local environment to the extent that it will no longer offer recreational opportunities to local residents, or attract visitors. Your Petitioners will suffer both from loss of amenity, and loss of economic opportunities associated with tourism.

- 22 The impacts due to **noise**, and appropriate mitigations are identified in table 22 :

Receptor	Requested Mitigation
Hyde Heath, Hyde Lane – Tunnel Boom from Mantles Wood portal; Hyde Lane, South Heath, Potter Row – Tunnel Boom from South Heath ‘Green’ tunnel portals	FBT, LLT or (for MWT) - ‘porous’ tunnel portals constructed to highest possible specification
South Heath – noise exposure	FBT, LLT or (MWT) – extend the South Heath ‘Green’ tunnel to reduce noise in South Heath
Hyde Heath, Hyde Lane, Potter Row – noise exposure	FBT, LLT or (MWT) –provide adequate noise barriers for remainder of the track
Isolated properties between South Heath and Leather Lane – noise exposure	
Kings Ash, Dunsmore, farms and isolated properties between Leather Lane and Wendover	FBT or (LLT, MWT) provide adequate noise barriers
Recreational users of the AONB - Walkers, Runners, Cyclists and Equestrian	FBT,LLT (Mantles Wood-Leather Lane) or (MWT) - provide adequate noise barriers; do not route PROWs alongside

	the railway; provide noise insulation and 'Green' bridges where bridleways cross the line
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- We would regard 5m as the minimum height for an adequate noise barrier, in order to mitigate noise from overhead equipment.
- There is a delicate compromise to be reached between the mitigation of noise (for recreational user) and the minimisation of visual impact. We request that this be addressed by a forum representing all interested parties, which is to have decision making powers (unlike the unlamented Community Forum programme).
- It is unclear whether adequate noise barriers could be installed on the Wendover & Smalldean viaducts. Given that the track bed is several 10s of metres below receptors on the ridges and sides of the valley, there appears to be little scope for effective noise mitigation, due to the inherent inadequacy of the proposed route

23 The **visual and landscape impacts** associated with the MWT scheme are identified in table 23. The only effective mitigation is provided by implementing the FBT or LLT proposals

Feature	Impacts
Cut and Cover ('Green') Tunnel (at South Heath)	While providing noise mitigation for some locations, the cut and cover method effectively destroys the landscape features in its path.
Cuttings – Mantles Wood to Bowood Lane	Would hide the line from view, if of sufficient depth. However, the cutting depth has been reduced on two occasions so this is no longer the case; power gantries will now be visible in several locations. Retained cuttings should be used throughout the AONB, to minimise land take.
Embankments – Bowood Lane to Small Dean	These features are visually extremely obtrusive, and not susceptible to any form of mitigation under the present proposals.
Viaducts – Wendover Dean, Small Dean	
Over Bridges – Bowood Lane, Leather Lane	Are now higher, following the reduction of the cutting depth. Will totally alter the character of the Lanes
Bunds	It is doubtful that these will provide sufficient mitigation to compensate for the detrimental changes to the natural landform which they produce. They are more likely to provide a cheap method of spoil disposal
Spoil Dump, Landfill or 'Sustainable Placement area' at Hunts Green	This has no place in the AONB. Excess spoil should be removed by rail – an option which was not considered in the ES.
Offset planting	It is not clear that the destruction of woodland in one location is in any way mitigated by planting rows of trees on arable land in another – particularly where this will alter the present pattern of fields and woods. Offset planting should be restricted to providing screening in the immediate vicinity of the line.
'Balancing' ponds	Ponds of this size are totally out of character in the Chiltern Hills. Contaminated water should be collected in sumps under the track, and piped away for treatment. After purification, it should be used to replenish the aquifer, as it would do in the absence of the railway.

Ancient Woodlands and Hedgerows	The total or partial destruction of four ancient woodlands, and the uprooting of hundreds of metres of hedgerows – ‘an irreplaceable resource’ (HS2 Ltd), is an inevitable consequence of the MWT proposal, for which no mitigation is possible. Various fantasies regarding the ‘transplantation’ of ancient woodland have no basis in reality.
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Other Environmental Impacts

24 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. Adverse effects on the ecology of the AONB, in particular on the bat and owl populations, which are particularly at risk from collisions with trains.
3. Continuing audible and visual intrusion of the railway in operation. No mitigation has been proposed to address the impact on walkers, runners, 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 (**FBT**) as requested above.

Construction Phase

25 As noted earlier, the duration of the construction phase is such that the disruption and inconvenience caused to your Petitioners cannot be regarded as temporary. Most of the problems are related to the construction traffic which will be generated by the **MWT** proposal. 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. Only one major road out of Chesham (towards Berkhamstead) leads to an area which is unlikely to be affected by increased traffic congestion. Your Petitioners have identified three aspects to the problems caused by construction traffic –

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.

Your Petitioners note that only item 1 above was addressed in the Environmental Statement, and that in a totally inadequate fashion. Table 25 (below) summarises the more objectionable effects which will arise, and our mitigation proposals; further details are given in subsequent paragraphs

Adverse effect	Proposed mitigation
Movement of HGVs along the trace (to Hunts Green), disrupting traffic on the B485 and minor roads at crossing points; associated noise, dust and pollution.	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.
Use of minor roads by construction traffic causing dangers and delays to the existing users, and damage to the roads, and adjoining properties	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.*

<p>Increased congestion on the A413 during peak hours; Disruption to School bus services and public transport; Restricted access to Chiltern Railways Stations (Wendover, Great Missenden, Amersham)</p>	<p>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).</p>
	<p>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.</p>

- * 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

Construction Traffic

- 26 Your Petitioners note that the projected traffic on the narrower sections of the A413 will exceed 100% of road capacity during peak hours², defined as the situation when the hourly traffic demand exceeds the maximum sustainable hourly throughput of the road. Traffic will back up on either side of these congested sections, causing congestion on the A413 throughout the AONB, and traffic displacement onto the small number of local alternative routes.
- 27 The assertion that “there are no locations where there are existing clusters of accidents”³ 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 safety risk will be increased considerably by the construction traffic generated by this project.
- 28 Your Petitioners regularly drive through the AONB to access places of 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.
- 29 Some of your Petitioners use the network of Lanes in the AONB for recreation. The Council 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.
- 30 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)
- 31 As representatives of an area immediately adjacent to the construction zone, your Petitioners are also concerned that traffic seeking to avoid congestion will place a further burden on the roads in this community, which are already operating at or close to capacity, and so further aggravate the impact on road users and the local economy.

² 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

³ ES Vol 2 CFA9 sec 12.4.19

- 32 Your Petitioners dispute the assertion (made in the ES⁴) that Air Quality on Berkhamstead Road (Chesham), currently monitored for NO₂, is ‘too far from the route’ to be affected. Any additional traffic through the town will exacerbate the serious congestion already experienced during peak hours.

Emergency Services

- 33 Your Petitioners are gravely concerned that the emergency services will be unable to provide timely support to their families and property due to road congestion during the construction period, and would 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.
- 34 Chesham has its own Fire Station with a “Rescue Pump” crewed by an establishment of seven (Retained Duty System) staff who respond to incidents by hurrying from their “normal” jobs in the local community. However in the case of serious conflagrations, they require assistance from Amersham or High Wycombe – which will inevitably be delayed by increased traffic congestion.

Social Impacts

- 35 Construction works and traffic congestion will also lead to a decline in trade, leisure and social activities in the town, firstly by creating a physical barrier between the town and communities on the other side of the proposed works, and secondly by increasing local congestion, so leading to a further reduction in visitors. Local facilities such as the Elgiva Theatre (only 27% of whose attendees in 2012 came from Chesham), the Moor Open Air Pool, and the White Hill Leisure Centre will face an uncertain future as a result.
- 36 Your Petitioners are aware of 15 school bus services which either use or cross the A413. Disruption to these services is a particular concern, due to the harm it will cause to education in our area. Two thirds of Chesham Grammar School’s pupils live outside the town, and teaching staff (who often reside some distance from their schools, due to the high price of properties in the towns) will also be affected. For some pupils, this disruption will continue throughout their time in secondary education.
- 37 Many local bus services stop at our local hospital (Amersham) and so the location of a Tunnel Vent Shaft on land adjacent to the hospital, and the insensitive layout of the associated construction compound, seem designed to maximise interruption to these services.

Additional Mitigation measures

- 38 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, and that the Code of Construction Practice be amended, firstly by deleting all occurrences of the phrase “where (reasonably) practical”, and secondly to strictly enforce the measures noted in table 25 above
- 39 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.

⁴ ES Vol 2, CFA9 sec 4.3.5

- 40 Your Petitioners are of the opinion that the construction of HS2 will constitute a “material change of circumstance” for the purpose of establishing the rateable value of local businesses⁵. We request that HS2 Ltd fund the employment of an official to help local businesses obtain a property revaluation and to assess the damage to the local economy (by monitoring the use of local car parks, for example). Should these measures prove inadequate, we request central government support for local businesses during the construction period.
- 41 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.
- 42 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.

⁵ <http://www.voa.gov.uk/corporate/publications/changesInYourLocality.html>

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PETITION OF CHESHAM TOWN COUNCIL

AGAINST, By Counsel, &c.

>> [Contact Details](#) <<