

>> Chesham Specific sections shown in Blue, in this draft copy <<

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 _____

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 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, your Petitioners nevertheless wish to express their objection to the project in principle. 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 a NHS which is fit for purpose, adequate social care, adequate policing or flood defences. 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.¹
- 11 Your Petitioners doubt that the current route through the Chilterns Area of Outstanding Natural Beauty (hereinafter referred to as “the AONB”), would 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 of the AONB or adjacent areas, 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 that the construction of HS2 will disrupt the lives of residents of Chesham and the AONB in ways which have not yet been identified or considered.

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

- 13 Your Petitioners contend that the Environmental Statement (ES) produced for DfT/HS2 Ltd is unfit for purpose on the grounds that
- It is produced by engineering companies who are likely to benefit from the awarding of construction contracts for HS2.
 - There are many inaccuracies and inconsistencies in the ES
 - The effects noted in the ES are based on the views of these consultants only, and are understated
 - 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 Petitioners have been greatly underestimated, and the mitigation measures which have been proposed are totally inadequate to afford any significant abatement.
- 14 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. Subsequently 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.
- 15 Despite all this, 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 has been proposed by HS2.
- 16 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 these Petitioners find unfit for purpose.

Preservation of the Chiltern Area of Outstanding Natural Beauty

- 17 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.
- 18 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, qualities that attract over 50 million tourist visits per year - many from London residents,
 - 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.
- 19 Your petitioners understand that the Landscape value of this area is of the order of £500million to £750million². The loss sustained by this national asset as a result of the construction of HS2 through it will be enormous.
- 20 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 **CRAIG T2 Tunnel**³, which has been accepted by HS2 Ltd in the Environmental Statement as both feasible and environmentally preferable. This would substantially mitigate the adverse effects complained of in this petition, and remove the need for the less effective remedies proposed below.

Water Supply

- 21 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 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

- 22 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.

² "High Speed Rail in the Chilterns - Little Missenden to Wendover"
Report by Chiltern Conservation Board and Peter Brett Associates, Oct 2014

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

- 23 Your Petitioners note that the projected traffic on the narrower sections of the A413 will exceed 100% of road capacity during peak hours⁴, 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 onto the small number of local alternative routes.
- 24 The assertion that “there are no locations where there are existing clusters of accidents”⁵ 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.
- 25 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.
- 26 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.
- 27 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)
- 28 As representatives of an area immediately adjacent to the construction zone, the Council is 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.
- 29 Your Petitioners dispute the assertion (made in the ES⁶) 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 severe congestion already experienced peak hours.
- 30 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.
- 31 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.

⁴ 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

⁵ ES Vol 2 CFA9 sec 12.4.19

⁶ ES Vol 2, CFA9 sec 4.3.5

- 32 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.
- 33 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.
- 34 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.

Mitigation measures

- 35 We observe that the greatest disruption to traffic will arise from the proposed works between the Mantles Wood portal, and the South Heath Cut and Cover tunnel. Should a full Chilterns Tunnel be refused, we request that the **South Heath Chilterns Tunnel Extension**⁷ be implemented. This extends the full bored tunnel to Liberty Lane, with acknowledged environmental benefits and at no additional cost
- 36 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 strictly enforce the following measures –
1. 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).
 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. 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.
 4. 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.
- 37 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.

⁷ http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA_final.pdf

- 38 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 businesses⁸. 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.

Environment

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

- Diversions of public rights of way, and reinstatement of some PROWs to run alongside the line.
- 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 possible.
- 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.
- The use of ‘sustainable placement’ in the AONB (at Hunts Green) which your Petitioners regard 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.
- Direct effects of construction – noise, dust and mud on roadways – which will discourage recreational use of the AONB.
- 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 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 35.4 above).

- 40 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.
- 41 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.

⁸ <http://www.voa.gov.uk/corporate/publications/changesInYourLocality.html>

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.

(J. E. Conboy)

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2012-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION OF _____

AGAINST, By Counsel, &c.

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