

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2015-16

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

(ADDITIONAL PROVISION OCTOBER 2015)

PETITION

Against the bill- 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 Ballinger Road Residents Association

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.
- 3 Clauses 1 to 65, along with accompanying schedules, authorise and detail the works to be done in relation to the construction and the operation of the railway (also “HS2”) mentioned in paragraph 1 above.
- 4 The Additional Provision October 2015 amends Clause 1 along with Schedules 1, 3-5, 7, 8, 11, 12 & 15
- 5 The Additional Provision October 2015 AP4-009-001 relates to the extension of the Chiltern Tunnel from Mantle's Wood portal to South Heath green tunnel north portal and associated works in the County of Buckinghamshire, Chiltern District and parishes of Little Missenden and Great Missenden .

Your Petitioner

- 6 Your Petitioner is the Ballinger Road Residents Association (BRRA). Ballinger Road is one of the main roads through the village of South Heath. South Heath is a community of about 350 properties and 800 residents in Buckinghamshire and within the Chilterns Area of Outstanding Beauty (AONB). South Heath lies about 1.6kms east of the A413 (the main road from Amersham to Wendover) and 2kms east of Great Missenden (that requires crossing over the A413 to reach).

- 7 BRRA was formed in 2013 by residents of Ballinger Road to represent the interests of Ballinger Road residents and home-based businesses. Its aim was to share resources and to coordinate local activities to ensure the best possible outcomes for Ballinger Road in response to HS2's plans for the area. BRRA represents around 70 houses in Ballinger Road and a full list of members is available by writing to the Co-ordinator at the Petitioner's address.
- 8 BRRA is a founder member of the Residents' Environmental Protection Association (REPA) established in 2013. REPA is an association of individuals and local groups mainly in the South Heath area (including Hyde Heath, Hyde End, and Potter Row), working to gain more effective mitigations from HS2.
- 9 BRRA covers Ballinger Road, a road of around 70 houses which goes through the heart of the village of South Heath. It also covers a number of residents of Frith Hill South Heath leg (SHL), which continues on from Ballinger Road across the cross roads with Potter Row and Kings Lane.
- 10 Your Petitioner will be directly, specially and injuriously affected by the provisions of the Bill, in relation to which your Petitioner has already petitioned ("the Existing Petition"). This Petition against the Additional Provision is without prejudice to your Petitioner's Existing Petition
- 11 Your Petitioner will also be directly, specially and injuriously affected by the Additional Provision, to which your Petitioner accordingly objects for the reasons, amongst others, hereinafter appearing.
- 12 These issues concern new traffic problems as a result of the new haul road; a larger compound; concerns about Frith hill south heath leg becoming a rat run; new changes to the landscape and footpaths in the immediate area; a permanent loss of land to two properties, the potential for tunnel boom now that the bored tunnel is within earshot of some members properties. Further some 27 properties in the BRRA are still predicted to experience noise above the nighttime WHO LOAEL target level – some securing no or minimal benefit from AP4 despite the increased depth of cutting.

Your Petitioner's requested mitigation

- 13 The adverse effects to which your Petitioner now objects, are caused by the works relating to the Additional Provision AP4-009-001 empowered by Clauses 1 and Schedules 1 of the Bill and associated powers in the Bill (including the power of compulsory purchase); Schedule 1 Work No. 2/14 (Railway) and 2/18C (Access Road) as detailed on Deposited Plans, AP4 PLN 2.1.1, Replacement Sheets No. 2-24 to 26.
- 14 As explained in the Existing Petition, your Petitioner will suffer a range of severe and adverse effects by reason of the Bill, in respect of which your Petitioner has requested and continues to request in this new petition that the proposed fully bored Chiltern Tunnel is extended throughout the AONB, in accordance with proposals such as the Tunnel Bored One Way (from the South) and CRAG's T3i. This will address the adverse effects and the concerns of your Petitioner, and reduce the impact on the AONB.
- 15 Failing that, your Petitioner requests that the Chiltern bored Tunnel is extended at minimum to Leather Lane, another 1.5km, as proposed by REPA, and away from the community of South Heath and Potter Row. Not only do HS2 Ltd agree that this is an engineeringly feasible solution but it need not delay project completion. REPA contend that it is also a cost neutral solution.
- 16 If the Chiltern bored tunnel is not further extended then your Petitioner requests a range of further mitigations, set out below. These include binding undertakings from the Promoter.

Your Petitioner's concerns and objections to the Additional Provision, and further mitigations requested are

- 17 The South Heath compound to the west of members in the BRRA is now to be three times larger than under AP2. The increased size (to over 500m long) will be accompanied by

increased activity, light pollution, dust and noise. It will create a greater scar on the landscape during the 7 year construction period.

- 18 The new temporary construction road from the South Heath portal to the A413 and its use under AP4 for mass haul are of concern, as:
- It will be the cause of major delays in peak at the A413/B485 and adjacent A413/Link Road roundabouts at Great Missenden. Ballinger Road itself (that becomes Frith hill SHL) exits onto the B485 and is the main access road to the A413
 - It is a worse problem than previously as there was no mass haul to the Link Road roundabout under AP2. Under AP4 HS2 Ltd have now admitted that there are acute problems on the A413 – sufficient for the Promoter to have recognised it as a “nonsense” to the Select Committee. Over 3kms of queues are predicted in the peak from the tailback figures provided for AP4.
 - It will makes access to Great Missenden (and public transport by rail and bus, including school buses), hospitals, getting to work in Amersham and Wendover, taking and collecting children from school a substantial problem for a lengthy period (the construction period lasts 7 years with the most congested period lasting 29 months).
 - Frith Hill SHL may become a rat run as the B485 backs up, either from the construction traffic related to the new vent shaft, or simply as a knock-on effect from the adjacent GM link road roundabout.
 - The HS2 Ltd proposal to sort traffic later with BCC is not adequate, as there is no guarantee that effective changes will result. Your petitioner humbly requests that action needs to be taken to mitigate the underlying reason for the traffic problem (rather than try to address the traffic itself).
- 19 The proposals for the movement of electricity pylons are more objectionable because there will be increased visual obtrusiveness from a larger and higher (11m higher) electricity pylon, and another change in direction. Your petitioner suggests this is inappropriate for an AONB, especially when some other AONB's are actually having them buried. Further there seems to be a discrepancy/omission between
- a. the hybrid bill (Sheet No 2-25), which shows two new pylons (both taller) and this has been confirmed in a recent FOI response to a member of BRRA
 - b. the AP4 map books (CT-05-033) that show just one new taller pylon, confirmed also by the text in the SES3 CFA9 book (para 5.1.9), and sited differently from those in the above plan.
- 20 There is potential for tunnel boom as there is now a bored tunnel, rather than a green tunnel at South Heath. While your petitioner welcomes the predicted reduction in peak noise (from the deeper cutting and barriers) which is expected for BRRA members to the east of the line, though minimal or no gain for those immediately to the south of the new portal, there is a concern that HS2 Ltd have given no guarantees that if there is tunnel boom control actions will be implemented to prevent it. Tunnel boom is therefore a real risk – particularly as the porous portal planned at South Heath is 20m shorter than what was planned (under AP3) for Mantles Wood.
- 21 Tunnel boom and peak noise has the potential for annoyance especially to those on the north side of Ballinger Road eg at baileys hatch and on the Frith Hill SHL segment near to the portal and south heath cutting. The properties in this section are still predicted to experience peak noise in excess of the night-time WHO LOAEL target level (60dB max at façade) which is designed to prevent sleep disturbance. The noise levels in this section range up to 70dBmax – higher than in any other part of the South heath or Potter Row area. Your petitioner humbly suggests that for this section of South Heath not all the reasonably practicable measures that could have been taken under AP4 to reduce these levels, have been considered or taken. In particular there is minimal mitigation (eg no noise barriers) to the west side of the South heath

cutting – leading to the higher noise levels for the residents of the BRRA on that section of Frith hill SHL. It also leaves walkers exposed when the footpath is re-instated.

- 22 The proposal to put the noise barriers on the top of the bunds will not only be visually less attractive, especially on the top of the horseshoe shape to the south of the portal, but also less effective than putting them next to the rail line. It was surprising under AP4 that this was proposed given that under C6 the two options were both considered and the Promoter then proposed for them to be placed at the track level. The change is of concern.
- 23 Footpath GMI/13 will now be closed for 7 year duration of the portal works, resulting in the loss of footpath access to the network of footpaths in the Chiltern Ridges. This prevents access for BRRA members who currently walk up the footpath from Great Missenden rather than use the Frith Hill SHL road to get to Ballinger road.

Your Petitioner's requested mitigation

- 24 The adverse effects, to which your Petitioner now objects, are caused by the works relating to the Additional Provision AP4-009-001 empowered by Clauses 1 and Schedules 1 of the Bill and associated powers in the Bill (including the power of compulsory purchase); Schedule 1 Work No. 2/14 (Railway) and 2/18C (Access Road) as detailed on Deposited Plans, AP4 PLN 2.1.1, Replacement Sheets No. 2-24 to 26.
- 25 As explained in the Existing Petition, your Petitioner will suffer a range of severe and adverse effects by reason of the Bill, in respect of which your Petitioner has requested and continues to request in this new petition that the proposed fully bored Chiltern Tunnel is extended throughout the AONB, in accordance with proposals such as the Tunnel Bored One Way (from the South) and CRAG's T3i. This will address the adverse effects and the concerns of your Petitioner, and reduce the impact on the AONB.
- 26 Failing that, your Petitioner requests that the Chiltern bored Tunnel is extended at minimum to Leather Lane, another 1.5km, as proposed by REPA, and away from the community of South Heath and Potter Row. Not only do HS2 Ltd agree that this is an feasible in engineering terms, but accept it need not delay project completion. REPA contend that it is also a cost neutral solution.
- 27 If the Chiltern bored tunnel is not further extended then your Petitioner requests a range of further mitigations related to the provisions of AP4, set out below. These include binding undertakings from the Promoter.
 - a. To move the intersection of temporary access road to a new roundabout substantially north of the Link Road Roundabout, with slip roads for through traffic
 - b. Undertake that the permanent access road for the portal (off Frith Hill SHL is not used for construction purposes – AP4 may have made this more likely if the congestion worsens. To require the Promoter to install cameras to monitor and prevent roads being used by construction workers as a rat run
 - c. To move spoil along the trace, temporarily storing it at Hunts Green if required, before removing it from the AONB by rail (reducing traffic and noise at the tunnel portal)
 - d. Existing pylons replaced with lower visual impact and less high modern designs (eg the 'T' design), and return to the original pylon alignment (which avoids creating an additional angle that necessitates the pylon at the new angle being higher and stronger).
 - e. Review whether the AP4/SES(3) documentation is correct or the hybrid bill plan
 - f. Higher noise barriers at track level on both sides (west as well as east) so that reductions in operational noise off-set increases in construction noise
 - g. Retained cutting to reduce noise levels at the portal end nearest to your petitioner

- h. Undertake to implement all reasonably practicable measures to reduce noise at properties above nighttime peak LOAEL – this should include reducing train speeds
- i. Undertake to eliminate tunnel boom should it arise

Other Matters

- 28 Your Petitioner is concerned that the Additional Provision requires petitions to be submitted before the consultation on the Additional Provision's Supplementary Environmental Statement has been completed and has not allowed your Petitioner adequate time to assess the full impact of the Additional Provision.
- 29 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner, their rights, interests and property, and for which no adequate provision is made to protect them.

Conclusion

- 30 Your Petitioner supports the petitions for a longer bored Chiltern Tunnel throughout the AONB., in accordance with proposals such as Tunnel Bored One Way from the South and CRAG T3i. Failing that, your Petitioner supports the Residents' Environmental Protection Association (REPA) petition for a 1.5km extension to Leather Lane. If your honourable House alters the Bill to provide for such an extended tunnel most of your Petitioner's objections would be removed. Failing even a short addition to the bored tunnel your Petitioner requests the mitigations requested above.
- 31 For the foregoing and connected reasons your Petitioner respectfully requests that unless the Bill is amended as proposed above and in your Petitioner's Existing Petition, or suitable undertakings obtained from the Promoter, the Bill, along with accompanying Schedules, so far affecting your Petitioner not be allowed to pass into law.
- 32 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, interests and property for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONER 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signature:

Peter Jones

Chairman of Ballinger Road Residents Association

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