

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

HIGH SPEED RAIL (LONDON TO 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 The Right Honourable Cheryl Gillan MP

SHEWETH as follows:-

1. A Bill (hereinafter called "the Bill") has been introduced into 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, Mrs Secretary May, Secretary Vince Cable, Mr Secretary Duncan Smith, Mr Secretary Pickles, Mr Secretary Paterson, Mr Secretary 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 and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker"). Further works are also detailed in Clause 2 and Schedule 2 of the Bill. Clause 47 enables the compulsory acquisition of land for regeneration or relocation that extends beyond the works in Schedules 1, Clause 2 and Schedule 2.
7. Your Petitioner is the Member of Parliament for Chesham and Amersham (hereinafter referred to as 'the Petitioner') and has a constituency office within the area that will be affected by the Bill. Your petitioner holds weekly surgeries which draw individuals from across the constituency to access the assistance and interventions of their elected MP. Your Petitioner is injuriously affected by the scheduled works as the traffic congestion and road closures resulting from the construction of HS2 in Chesham and Amersham will cause problems in carrying out her job within her constituency as access will be difficult when crossing the constituency with delays as a result of diversions and closures. A significant number of your petitioner's constituents are persons who live in properties which will be compulsorily acquired, or if not being compulsorily acquired, are located within close proximity of the high speed railway and associated construction sites and will therefore be injuriously affected by the works authorised by the Bill to which your Petitioner objects for the reasons set out below. Your petitioner represents the views of the residents and businesses that are affected by the Bill and in particular those residents who are not able to petition themselves. Your petitioner respectfully requests that she be heard by the select committee which considers the Bill, both as a private citizen and as a Member of Parliament representing the views of her constituents.
8. Your petitioner objects to all the impacts of the surface works and operation of the railway within the Chilterns Area of Outstanding Natural Beauty (AONB), in particular the works (2/1 and 2/9 to 2/21), the land acquisition and its designated uses, the highways and electrification changes, as listed in Schedule 1, 3, 4 and 5 of the Bill, and in the parishes of inter alia Chalfont St Peter, Chalfont St Giles, Amersham, Little Missenden, Great Missenden and The Lee.
9. **Issue: building a high speed railway in the AONB**
 - 9.1 There are a great number of issues of concern to your Petitioner that arise from the works set out in the Bill and a great deal of irreversible damage and destruction will be caused to the protected Chilterns AONB and the daily lives of a great number of your petitioner's constituents will be severely adversely affected as a result of the Bill. The Chilterns AONB is a statutorily protected landscape under Section 85 of the Countryside and Rights of Way Act 2000 ("CROW") and is further protected under the National Planning Policy Framework and the European Landscape Convention. AONBs are areas which are of high scenic quality which are protected in order to conserve and enhance the natural beauty of the landscape. Once built, HS2 will permanently and forever damage and breach the Chilterns AONB which is the only AONB on the entire route of HS2 (Phase 1 and Phase 2). HS2 bisects the AONB at its widest part. Between Mantles Wood and Wendover the proposed route is on the

surface for 11.3km and includes sections in shallow cuttings, on two 500m long viaducts, on embankments and in two cut and cover ("green") tunnels which are as damaging as a surface route. Less than half of the AONB is currently in bored tunnel. In your Petitioner's constituency lies one of the most tranquil parts of the AONB running through rural areas and small villages and hamlets. The current plans for HS2 bisect your Petitioner's constituency and cause significant destruction and disruption to the communities of South Heath, Hyde Heath, Hyde End and Potter Row (some 500 households). Three ancient woodlands will be destroyed (30% of all the ancient woodland on the entire Phase 1 route) and, illogically, the current bored tunnel emerges in the middle of Mantles Wood – an ancient woodland. Numerous public rights of way will be severed and wildlife habitats broken up.

9.2 The AONB receives over 50 million visits per year with the significant revenue that this brings to the small villages and towns and is the largest area of unspoilt countryside closest to London left in the South East of England. The value of the damage to this national asset as a result of the construction and operation of HS2 through it will be enormous. The operation and construction of HS2 will have severe adverse effects on the social, environmental and economic cohesion of the communities in the area and will permanently and seriously reduce the ability of residents and visitors to enjoy the natural benefits of the AONB. Natural England – the government's advisors on protected landscapes stated that: *"Natural England considers that the significance of landscape effects associated with the Proposed Scheme on the Chilterns AONB is greater than that which is described in Volume 3 of the ES. We advise that further mitigation would be required to moderate these effects in order to satisfy the Government's policy set out in paragraph 116 of the NPPF"*. Natural England also concluded in its ES consultation response that *"It would seem, therefore, that an extended bored tunnel could provide the most effective means of mitigating the landscape and visual effects on the AONB"*.

9.3 The single biggest issue raised in the 21,833 responses to the Environmental Statement Consultation was the issue of damage to the AONB and over 8,000 responses asked for better environmental protection for the AONB by way of a longer bored tunnel. Currently less than half of the AONB is fully tunnelled.

10. **Proposed remedy: an extended bored tunnel through the AONB**

10.1 Almost all of the issues raised in this petition can be addressed by your Petitioner's request for an extended bored tunnel through the whole of the AONB which would give the AONB the protection it deserves. The green tunnel route proposal put forward by Chiltern District Council in association with Aylesbury Vale District Council, Buckinghamshire County Council and the Chilterns Conservation Board set out in a report by Peter Brett Associates would provide the greatest environmental protection to the AONB.

10.2 If this is not accepted by Parliament the alternative bored tunnel extension put forward by Chiltern Ridges Action Group (CRAG) referred to in the Environmental Statement as the CRAG T2 (and accepted by HS2 Ltd and DfT as being engineeringly feasible and environmentally preferable) would address some of the issues and would present a fallback position.

10.3 If neither of the above longer tunnel proposals are accepted by Parliament then your Petitioner supports the South Heath Chilterns Tunnel Extension (SHTCE) between Mantles Wood and Leather Lane proposed by the Residents Environmental Protection Association (REPA) and referred to the Environmental Statement at 2.6.21. This proposal was also recognised as technically feasible and environmentally preferable. Your Petitioner observes that this proposal would address the environmental issues in the South Heath and Hyde Heath areas and at no greater cost than the current scheme proposed by HS2 Ltd. It avoids the loss of a number of homes, 3 ancient woodlands, extensive construction and permanent noise impacts and also the need for a "Sustainable Placement Area" at Hunts Green. If Parliament is unprepared to require a fully bored tunnel through the AONB, this 4km tunnel extension is environmentally superior and costs no more than the current scheme proposed by HS2 Ltd of a green tunnel and shallow cutting in this area.

10.4 In the event that Parliament does not accept any extension of the bored tunnel through the AONB then your Petitioner requests that the entire section of the route between Mantles Wood and Wendover Dene be altered to reflect the alignment published in the 2011 consultation on high speed rail, which was in a far deeper cutting and would minimise noise and visual impacts to a greater degree than the current proposals.

10.5 Your Petitioner contends that a longer bored tunnel throughout the AONB would be a cost effective way of avoiding long term environmental damage and severe construction disruption as the problems identified below will otherwise need to be addressed in your Petitioner's constituency at considerable cost but with a less satisfactory environmental outcome.

11. Issue: Noise

11.1 Your Petitioner has concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway in those communities in her constituency adversely affected due to proximity to HS2. Your Petitioner is concerned as there appears to be a lacuna in the Bill on delivering a properly noise mitigated railway.

11.2 Issue: Operational noise from HS2

11.3 Your Petitioner is concerned that forecasts of noise impacts from the high speed railway and the proposals for management and mitigation have not been conducted on a basis that is consistent with relevant national policy.

11.4 Your Petitioner is concerned that the treatment of noise in the Environmental Statement was highly problematic as the details presented did not distinguish between average day-time noise and night noise levels, did not provide adequate baseline (ie existing) noise levels and did not provide peak noise levels. Your Petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above those that the World Health Organisation (WHO) considers acceptable. WHO say that noise limits in excess of recommended limits will have deleterious health and well-being impacts.

11.5 Your petitioner is concerned that a significant number of her constituents who live within close proximity to the HS2 line and especially in the areas where there are

open sections of the line, will be exposed to excessive noise from the operation of HS2 which would severely impact upon the use and enjoyment of the properties of your Petitioner's constituents as well as on the amenity of the area as a whole. This is of particular concern for the elderly and for children as noise pollution can have an impact on development and learning. In particular those constituents living near to the tunnel portal of the South Heath Green Tunnel will be exposed to significant levels of operational noise from trains operating at a maximum speed of 360km/h initially and possibly up to 400km/h. Although the Environmental Statement identifies only 15 properties (largely within the South Heath and Hyde Heath areas), which will suffer significant noise effects after the proposed mitigation, your Petitioner is concerned that the figures are significantly higher than this as is indicated by independent noise reports commissioned by HS2 Action Alliance. There are a large number of properties within metres of the tunnel portals in your Petitioner's constituency and no information has been made available in the Environmental Statement about the noise impacts or boom effects. Your Petitioner is concerned that the proposed mitigation is totally inadequate to deal effectively with noise suppression from the portals.

11.6 Your Petitioner is concerned that HS2 Ltd has not proposed any special measures in regards to areas of tranquillity as required by national policy. This is of particular concern in the Chilterns AONB which has higher levels of tranquillity than other areas. The World Health Organisation guidelines for conservation areas states *"existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low"*.

11.7 Your Petitioner is also concerned that local footpaths in her constituency will be exposed to excessive noise and this will have a detrimental effect on the users of such footpaths as the tranquillity will be destroyed. There are a number of major walking routes around the Great Missenden, South Heath and Hyde Heath areas many of which cross the line and run alongside it (eg GM1/12 overbridge. GM1/2 and GM1/27). Many of these footpaths could be rendered effectively unusable due to noise levels.

11.8 **Proposed Remedy in event that request for a bored tunnel is not accepted**

An extension of the bored tunnel throughout the AONB as referred to at paragraph 10 above would deal with almost all issues of operational noise throughout your Petitioner's constituency. If this is not accepted by Parliament your Petitioner requests that:

- HS2 Ltd should be obliged to design HS2 to such standards to ensure that all receptors (including isolated houses and footpaths) are protected to WHO standards with additional allowance made to protect the tranquillity of the area and to recognise its AONB status.
- The South Heath Green Tunnel should be extended to (at minimum) Leather Lane to the North and Mantles Wood to the South. If Parliament does not agree this, effective state of the art noise barriers should be provided with continuous full height (5m) noise barriers (not 3m as currently proposed) at track level on both sides of the line in cuttings for the entire length of the track outside of a tunnel (currently noise barriers only run on one side of the track in

many places). Such noise barriers are needed to protect properties at Potter Row, Frith Hill, Hyde Lane and properties between the Chiltern Tunnel exit at Mantles Wood and the South Heath Green Tunnel south portals. Barriers should not be reduced because there is a bund.

- Where the line is in a cutting, bunds of sufficient height are needed to screen the railway with its gantries from intruding into the landscape.
- Tunnel portals should be built to the highest international specification and be designed to blend into the local area and, in order to reduce noise to below WHO recommendations as is appropriate for the AONB, trains should run at reduced speeds in this area as recommended by the Environmental Audit Select Committee.
- An effective means of enforcement of standards is required in the event that noise exceeds estimates. Your Petitioner requests that the Local Authority be empowered to enforce standards and be funded by HS2 Ltd (in perpetuity) to do so.

11.9 Issue: Noise from construction

11.10 Your Petitioner is concerned that the specific noise thresholds for construction, which are considerably higher than the thresholds identified for the operation of HS2, are unreasonable and are greatly in excess of WHO guidelines and do not meet UK national policy guidelines. Given the long periods over which construction is due to take place (over 7 years in some areas of your Petitioner's constituency), your Petitioner believes it is unreasonable to claim such noise impacts are temporary. Your Petitioner is concerned that constituents will be exposed to excessive noise from construction works and construction traffic which could have adverse effects on their health and interfere with their peaceful enjoyment of their property during the construction period. The Environmental Statement recognised over 100 homes would be subjected to significant construction noise from the construction of the South Heath green tunnel construction traffic. In reality very many more properties will suffer excessive noise.

11.11 Proposed Remedy in event that request for a bored tunnel is not accepted

An extension of the bored tunnel throughout the AONB as referred to at paragraph 10 above would neutralise almost all issues of construction noise throughout your Petitioner's constituency. If this is not accepted by Parliament your Petitioner requests that:

- Construction activities should be subject to strict noise emissions limits and activities restricted to times that are unlikely to affect normal sleeping patterns; this is particularly relevant for children and the elderly. The extensive construction period means higher noise thresholds should not be accepted, as the work is not "temporary" and averaging reference periods should ensure that peak noise is contained.
- Noise levels should be specified so as to allow the quiet enjoyment of outside spaces with evening and weekend work precluded.

- WHO guidelines on noise should be observed.
- A free-phone community hot-line should be provided for residents to report issues and follow-up. Follow up and resolution should be made a contractual commitment.
- The Local Authority should be funded to enforce monitoring and policing of the noise emission limits and activities, and work should stop if the limits are exceeded.

12. Issue: Traffic and Road Closures

12.1 Your Petitioner is concerned by the number of road closures and diversions in Chesham and Amersham constituency and by the volume of construction traffic which will run on roads which are unsuited to both HGV and other construction vehicles and will be unable to withstand the high levels of lorry movements as set out in the Environmental Statement. Your Petitioner has the following particular concerns:

- Compounds within the constituency are estimated to be in operation for up to 7 years with in certain locations up to 1,160 two-way vehicle trips per day during busy periods.
- Construction traffic (HGVs, LGVs and cars) will put immense pressure on the following roads; A413, B485, Chesham Lane, Whielden Lane, Leather Lane, Frith Hill, Kings Lane, Hyde Lane and Hyde Heath Road, Joiners Lane, Denham Lane, Chesham Lane, Whielden Lane and Bottom House Farm Lane.
- Construction traffic represents a direct safety threat to vulnerable road users ie pedestrians, cyclists, bus users and equestrians. The roads proposed to be used as construction routes are unsuitable in many cases (eg Potter Row) often with no pavements, houses close to the road and are used as school bus routes.
- Journey times will be substantially lengthened leading to a major loss in amenity both in terms of rendering daily life stressful and unpleasant when making journeys to work and school as well as creating risks regarding access and reaction times for emergency and blue light services.
- The use of the "HS2 trace" for transporting spoil raises additional concerns about construction traffic noise for those of your Petitioner's constituents living near to the trace.
- The changes to the roads designated as construction traffic routes (eg road widening, damage to road surfaces etc) will alter the character of the area and your Petitioner could see no requirement in the Bill that they be returned to their original state after use. This should be remedied.

- Social isolation issues as a result of Frith Hill in South Heath and Leather Lane being closed meaning problems with access to Great Missenden for station, shops, schools and medical amenities for the villages of South Heath, Ballinger, Lee Common and The Lee.
- There will be wear and tear, and degradation to the highways as a result of prolonged use by construction traffic.
- There will be detrimental effects to local business and tourism; for businesses there will be issues with suppliers accessing many areas and there will be a resulting reduction in visitor numbers during the many years of construction and traffic disruption.
- The large construction compound in the Colne Valley area whilst not within your Petitioner's constituency will also have a knock on effect on the traffic in the local area including Chalfont St Peter and Chalfont St Giles due to large numbers of construction workers traveling to and from the compound.

12.2 Proposed remedy to traffic and road closure problems in the event that request for a bored tunnel is not accepted:

An extension of the bored tunnel throughout the AONB as referred to at paragraph 10 above would neutralise many of the issues of construction traffic and road closures throughout your Petitioner's constituency. If this is not accepted by Parliament your Petitioner requests that:

- Binding undertakings on traffic management should be included in the Bill to minimise the negative impacts – preventing construction traffic from using public roads (particularly the school bus routes around Hyde Heath, Hyde End and South Heath) by requiring a new access road direct from the “trace” of HS2 to the A413 for construction traffic and materials and prohibiting the use of existing local roads for construction traffic between compounds, in particular during peak periods and on especially unsuited roads. Your Petitioner requests that the nominated undertaker should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and your Petitioner.
- Install a temporary bridge to maintain access over Frith Hill and Hyde End Road and footpaths and ensure that the 2 year closure of Frith Hill does not coincide with the B485 alignment works.
- Ensuring that the hours for the movement of construction traffic are limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles, and other miscellaneous related matters.
- Binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforceable by environmental health officers.

- Risk assessments should be completed by the nominated undertaker, relevant statutory undertakers and emergency services in relation to the access and transport issues raised by construction activity for each Community Forum Area. Your Petitioner requests that the results of the risk assessment should be available to the public.
- A “park and ride” scheme should operate for construction workers along the trace of HS2 enforced by prohibiting parking for contractors at or near the construction compounds.
- Appropriate funding should be provided by the nominated undertaker to the highway authority for the maintenance, repair and re-instatement of highways required as a result of use by construction traffic. Roads used as construction routes should be returned to their original size and character after use.
- The cost of meeting a full time air ambulance service should be provided if an appropriate traffic management scheme cannot guarantee emergency response times in the area, so that delays from congestion do not result in greater injury or loss of life.

13. Issue: Working hours and Code of Construction Practice

13.1 Your Petitioner is concerned that the nominated undertaker's ongoing accountability regarding construction practice is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective. However, the Code of Construction Practice has no legal status and could be unenforceable and remain unmonitored.

13.2 Proposed remedy in the event that request for a bored tunnel is not accepted.

An extension of the bored tunnel throughout the AONB as referred to at paragraph 10 above would neutralise a large number of the construction concerns throughout your Petitioner's constituency. If this is not accepted by Parliament your Petitioner requests that:

- Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. The nominated undertaker should be accountable to Parliament for the conduct of the project. Parliament should consider setting up a Select Committee for the duration of the project to monitor and interrogate the delivery process. Any monitoring required under the Code of Construction Practice should also involve the Local Authority (through appointment of Environmental Health Officers) as well as independent experts who should be responsible for compliance and enforcement.
- The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours".

Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practicable means" and the measures should be agreed with Chiltern District Council. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice.

- Construction traffic should be prohibited in the evening and at weekends and all work outside the core hours (08:00 to 17:00 Monday to Friday) should be justified to the local authority.

14. Issue: Spoil and waste management – permanent issues

- 14.1 Your Petitioner is concerned about the quantity of spoil to be disposed of within the AONB. The cuttings and South Heath Green Tunnel produce extensive surplus spoil (nearly 2m tonnes) that cannot be used for local mitigation. HS2 Ltd intends to create a permanent landfill site (named a "sustainable placement area" in the environmental Statement) within the AONB to which material is moved after temporary local storage. This area is within my constituency at Hunts Green Farm. Alternative beneficial uses of the spoil and alternative transportation options appear not to have been considered. A new landfill site within the AONB is in contravention of Waste Hierarchy and HS2 Ltd's own policy on site selection. A large volume of spoil and area of land-take is created by inward sloped cuttings.

14.2 Proposed remedy in the event that request for bored tunnel is not accepted.

An extension of the bored tunnel throughout the AONB as referred to at paragraph 10 above would alleviate the need for the proposed landfill site to dispose of spoil. If this is not accepted by Parliament your Petitioner requests that:

- There should be no landfill site within the AONB. It does not "conserve or advance the natural beauty of the AONB" as required by the CROW Act. Surplus spoil should be removed from the AONB along the trace to an appropriate exit point for removal by rail to another place outside the AONB.
- Ensure that fully retained cuttings are used throughout the area to minimise spoil creation and to reduce landtake for farms, homes and ancient woodland.

15. Issue: spoil and waste management: construction issues

- 15.1 As well as the permanent landfill site referred to at paragraph 14 above, the spoil is first stored in temporary heaps along the HS2 trace prior to transportation to the landfill area. Your Petitioner is concerned about the effect on her constituency of dust, dirt and run-off from the temporary spoil heaps which constitute a nuisance and health hazard. Dust will limit the use of outdoor spaces and will lead to dirt and dust on the exterior of houses. It could also cause severe pulmonary problems in vulnerable residents. There are a number of proposed storage heaps adjacent to ancient woodland and also to residential properties which would adversely affect them. Your Petitioner is also concerned about the deposit of spoil on local roads used as construction routes which will make roads dangerous. There is also no

provision to restore temporary spoil sites or construction sites to their previous condition.

15.2 Proposed remedy in the event that request for bored tunnel is not accepted.

An extension of the bored tunnel throughout the AONB as referred to at paragraph 10 above would protect the community from dust, dirt and run off problems. If this is not accepted by Parliament your Petitioner requests that:

- Temporary spoil heaps should be covered and watered down on a regular basis.
- Maximum dust exposure limits should be specified, monitored and enforced by the Local Authority and paid for by HS2 Ltd.
- HS2 Ltd should be responsible for the costs of cleaning the exterior of properties and punitive compensation for contravention of limits.
- Temporary spoil storage should not be within 200m of the curtilage of residential properties or ancient woodlands.
- Temporary spoil sites and construction sites should be fully restored and this should be a provision of the Bill.
- HS2 Ltd should meet the medical costs of any resident who suffers respiratory or [] illness as a result of the proximity of dust/dirt piles.

16. Issue: Compensation

Your Petitioner is concerned about the effects on the property values of her constituents living in proximity to the line and above tunnels. Property values are depressed in the areas near to the line and a number of communities will suffer further blight when construction works begin, particularly South Heath. This is a very great cause of concern, stress and anxiety to constituents who wish to sell their homes and are trapped with little hope of any compensation. Only a tiny minority of those constituents currently suffering blight are compensated and a number of areas are beginning to suffer property degradation where buildings have been purchased by HS2 Ltd and are beginning to dilapidate.

Proposed remedy in the event that request for a bored tunnel is not accepted

An extension of the bored tunnel through the AONB as referred to at paragraph 10 above would greatly reduce the issues of property blight. If this is not accepted by Parliament your Petitioner requests that:

- The voluntary purchase zone should be extended to all those affected.
- The "need to sell" scheme should acknowledge community blight and remove the requirement to demonstrate financial hardship in order to qualify.
- A property bond should be introduced to those communities which are particularly badly affected such as South Heath, where there is no hope of sales for years for those near to the line.

- Property owners should be compensated for loss in market value not just nuisance under Part 1 compensation under the Land Compensation Act.

17. Issue: South Heath

17.1 Your Petitioner wishes to raise her concerns over the effects of the line on the community of South Heath (a village of some 300 households) through which the HS2 line crosses with several properties being demolished, the loss of the local gym and local pub (both of which are to be demolished) and the use of many of the village roads as construction routes. South Heath was singled out in the Environmental Statement as being the only community in Buckinghamshire to suffer community wide adverse effects as a result of the construction and operation of HS2. It will also suffer isolation effects with access to the nearby larger village of Great Missenden being cut off due to the closure of Frith Hill for 2 years. In addition, the South Heath Green Tunnel is too short to give effective acoustic protection to South Heath.

17.2 Proposed remedy

The SHCTE referred to at paragraph 10.3 will resolve most of the issues in relation to South Heath and presents a much better solution both environmentally and in terms of the impacts on the community at little or no additional cost than the current proposals. If this is not accepted by Parliament the South Heath Green Tunnel should be extended at least to Leather Lane to the north and Mantles Wood in the South. A community fund should be provided to South Heath to pay for creating some new local facilities.

18. Speed

- 18.1 A fundamental issue with the detailed route set out in the Bill is that the Promoter not only seeks the highest speed achievable, but sets out to 'future proof' the design so that the maximum line speed is 400km/hr outside cities. The HS2 trains are not planned to be capable of exploiting this maximum speed (being capable of only 360km/hr), but it imposes serious restrictions on the routes possible. To achieve these speeds, the curvature of the line of route is very limited, making it impossible to follow existing transport corridors (such as the M40) or avoid sensitive locations (such as the Chilterns AONB).
- 18.2 HS1, while a high speed railway, operates at a maximum of 300km/hr, and extensively follows the line of route of the M2 and M20 motorways. The Draft ES assessed the additional travel time from London to Birmingham were speeds limited to those of HS1 to be 4.5 minutes.
- 18.3 The Promoter's justification for the highest achievable speed is the claim that journey time savings are very valuable. Despite the admission that business travellers can and do now work productively on trains, business time savings are valued as if the time savings were additional productive time. Your Petitioner (in the company of many others) contends that the Promoter has mistaken the balance between the value of journey time savings and environmental damage.
- 18.4 Your Petitioner requests that Parliament direct the Promoter to adopt a maximum design speed of 300km/hr, and to amend the detailed route to exploit the ability this

gives to locate HS2 next to existing major transport infrastructure – eg the M40. The reduction in speed in itself would have major carbon and other environmental benefits (eg noise reduction), as recognised by Parliament's Environmental Audit Committee.

19. **Other issues of concern to the Petitioner**

As well as the specific issues raised above Your Petitioner has a number of other issues which are set out in the table below together with a proposed remedy. In each case, the extension of the bored tunnel in the AONB proposed at paragraph 10 above would resolve some of the issues and the mitigation proposed by your Petitioner below is on the basis that Parliament does not adopt any of the tunnel proposals:

Issue	Required Mitigation
<p>Vibration</p> <p>There are concerns about the effects of vibration arising from both the operation of the high speed railway and the construction of HS2 in particular around those areas around vent shafts and above tunnels such as Chalfont St Giles and Amersham. Vibration will impact upon the use and enjoyment of a number of properties of your Petitioner's constituents in particular as well as on the amenity of the AONB because of the noise implications and disruption.</p>	<p>The nominated undertaker should be compelled to use best available techniques in the construction and operation of the highspeed railway and its associated development to ensure that vibration is minimised and cannot be felt in the properties.</p> <p>There should be binding mitigation measures including a vibration and resultant damage mitigation and monitoring system in place before commencement and during construction and operation. Binding mitigation measures should include but not be limited to an express obligation to undertake specific measures to limit structural and other damage to Properties. In addition, all structural damage should be fully repaired by the nominated undertaker.</p>
<p>Ancient Woodland permanent loss – the proposed scheme involves the loss and fragmentation of 10.2ha of ancient woodland at Mantles Wood, Farthings Wood and Sibleys Coppice.</p> <p>There are no arrangements for permanent maintenance of any compensatory woodland.</p>	<p>There is no mitigation for the loss of ancient woodland. It is described in the Environmental Statement as an "irreplaceable resource". New planting will not be a suitable replacement for the ancient woodland lost. Bored tunnel access facilities should be moved out of ancient woodland to minimise ancient woodland land take.</p> <p>The Woodland Trust consider compensatory planting proposed is inadequate and should be based on a ratio of 30:1. Provision needs to be made for</p>

Construction methods result in more destruction of ancient woodland than is necessary.	<p>the permanent maintenance of compensatory woodland as this is missing from the Bill.</p> <p>Ensure trace is only wide enough for green tunnel construction and construct green tunnel using fully retained cuttings.</p>
<p>Air Quality</p> <p>There is concern about the potential adverse impacts on air quality as a result of the construction and operation of HS2 an associated development.</p>	<p>Before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.</p>
<p>Footpaths – loss of amenity</p> <p>A large number of footpaths cross the HS2 trace or will be significantly affected by the construction and operation of HS2 and they will suffer a loss of rural character and tranquillity affecting use by residents and visitors.</p>	<p>Existing PROW should be preserved on their existing alignment with the use of green bridges (rather than accommodation bridges) to cross the trace with acoustic protection.</p> <p>Mature trees should be planted to preserve character.</p>
<p>Visual obtrusion of HS2 furniture</p> <p>The Environmental Statement shows an extensive Zone of Theoretical Visibility for HS2 in spite of the gantries being excluded. This was made worse when the cutting depths were raised in many parts. The portal buildings including the tunnel vent shafts at Little Missenden, Amersham and Chalfont St Giles, auto transformer station at South Heath and construction compound sites are exposed and do not fit with the character of the area. Also there are concerns about access to the vent shafts and disturbance.</p>	<p>Reduce the level of the track throughout the area and increase the height of the bunds so that the trains and all railway furniture are not visible locally or from across the valley where relevant.</p> <p>Exterior buildings and structures which are required should be designed sympathetically and maximum elevations specified. HS2 Ltd must agree the design with District Council following public consultation.</p> <p>More detail needs to be given regarding maintenance visits and how often this will be.</p>
<p>Relocation of power lines</p> <p>To build HS2 the power lines and pylons in the South Heath area are required to be moved twice to allow construction of the green tunnel at an estimated cost by National Grid of around £27million (which would not be required if the route was tunnelled).</p>	<p>This provides the opportunity for the power lines to be permanently relocated under ground as is being done elsewhere.</p>
<p>Balancing ponds</p> <p>Culverts and balancing ponds are out of</p>	<p>Alternative means of addressing the polluted “run off” must found such as</p>

character with the chalk upland and so damage the character of the landscape. They are artificially lined, may not even hold water and are fenced.	storing on trace and removing for sustainable disposal if necessary. If the ponds remain appropriate landscaping is required with water and vegetation.
Wildlife The impacts on wildlife will be severe with impacts on habitats and species in ancient woodlands with permanent loss of habitats, severance and loss of hedgerows. There should be no net loss in habitats and a net gain in biodiversity. There will be habitat severance as the railway constitutes a barrier. There will be adverse effects on owls and bats.	Green bridges must be created to allow wildlife crossings. Compensatory habitats must be created to be maintained by HS2 Ltd in perpetuity.
Aquifer and flood risk The proposed route intersects with several valuable ground water sources. There is a possible residual effect on water quality in the constituency which has been highlighted by Affinity Water and the impact of the construction process on both the River Misbourne and Shardeloes Lake has not been properly explored.	A proper report on the impacts on the River Misbourne and Shardeloes Lake must be undertaken with a public consultation launched to set out the impacts on drinking water and water abstraction.
Loss of farmland A number of farms and holdings have moderate to major impacts with 170 hectares of best agricultural land permanently lost in the constituency. Much farmland is being lost for compensatory planting of trees.	Retained cuttings should be used to minimise land take. If ancient woodland is not lost, compensatory planting is unnecessary.
Light pollution HS2 will create light pollution in the area where the line runs on the surface. This is out of character to the rural areas and damages the nightscape. Lighting on the new roundabout at Kings Lane/B485 damages the nightscape.	The railway should be screened including the pantographs and gantries with deeper cuttings and the sight lines should be eliminated using bunds. Maintenance works should be screened to avoid light pollution.
Health and Wellbeing Health and wellbeing effects were not considered in the Environmental Statement. A separate report was issued but this had notable omissions.	More work needs to be done on the adverse health effects from sleep disturbance, hypertension, effect on learning. Tighter air pollution standards need to be policed by the District Council (funded by HS2 Ltd) with powers to suspend works. A counselling service should be made available and funded by HS2 Ltd to combat stress and anxiety.
Limits of deviation The Bill authorises without consultation the movement of the track by up to 3 metres	The Bill should be amended so that the limits of deviation exclude any increase in the elevation of the track.

vertically or horizontally. The planned track level in your Petitioner's constituency has been raised twice with both Hyde Lane and Potter Row now exposed to significant adverse effects from operational noise.	
Cultural Heritage There will be a loss cultural heritage in the area in particular through the loss of 150m of Grims Ditch Scheduled Monument. There will also be the loss of medieval field patterns and the settings of listed buildings as well as historic trackways being affected.	Further work must be done to mitigate the effects on these valuable cultural assets.
Rateable value of businesses Construction will reduce the viability of many local businesses both in Great Missenden high street and in other villages near to the line. For many businesses there will be a loss in property and business value due to lengthy construction impacts.	Both local businesses and residents should be allowed to treat the construction period as a "material change in circumstances" for the purposes of establishing the rateable value, and secure a change before HS2 is operational. Funding should be made available for the appointment of an official to help secure property re-valuation and impact on local economy. Funding should be made available to parish and district councils for job training and relocation of businesses for those which need to relocate due to the construction or operation of HS2.
Access to land for surveying Rights of entry and authorisations to enter land for surveying purposes go beyond the rights that are reasonably necessary.	Clauses 51 and 52 should be amended so that land can only be accessed with the landowner's and occupier's consent.
Acquisition of land that is unrequired HS2 Ltd has the rights to acquire property that can be developed even if it is not required for the railway.	Clause 47 of the Bill should be deleted.

20. Environmental Statement

- 20.1 Your Petitioner is concerned by the absence of any specific provision to compel the nominated undertaker to implement mitigation measures identified in the Environmental Statement accompanying the Bill. Failure to include such provision would, your Petitioner submits, be contrary to the purposes of the EIA Directive.
- 20.2 Your Petitioner submits that the Environmental Statement accompanying the Bill is deficient, for the reasons set out in her Environmental Statement Consultation response.

21. Aarhus Convention

- 21.1 Your Petitioner submits that the Bill could fail to comply with the three pillars of the Aarhus Convention including but not limited to:

- 21.2 Article 4 (access to information) and Article 5 (obligation on public authorities to provide environmental information): The environmental statement does not provide clear and understandable descriptions of the likely level of environmental impacts. No information has been provided on how the proceedings of the Bill Select Committee would comply with Articles 4 and 5.
- 21.3 Article 6 (public participation): the Select committee would be constrained by earlier decisions, all options are no longer open and effective public participation cannot be provided.
- 21.4 Article 9 (access to justice): there is no forum for challenge of any decision made by the Select Committee.
- 21.5 Your Petitioner submits that Articles 6 and 9 are further contravened by the fact your Petitioner and her constituents have to pay a fee of £20.00 for submitting their petition and the costs travelling to the Palace of Westminster to participate in the petitioning process. Furthermore, petitioning on the Bill requires the Petitioner to employ expertise in relation to drafting as well expert witnesses and representation at the Select Committee.
- 21.6 Your Petitioner submits that all fees and costs in relation to presenting a Petition should be reimbursed in full.

22. EIA Directive

- 22.1 Your Petitioner submits that article 6(4) of the Environmental Impact Assessment Directive in relation to early and effective opportunities to participate in the environmental decision making procedures has not been complied with. There were a large number of omissions and errors of fact in the Environmental Statement which have not been corrected prior to the second reading of the Bill. There is no process for updating these errors and engaging with the public thus preventing early and effective participation in accordance with article 6(4).
- 22.2 Your Petitioner submits that the Bill is contrary to article 6(4), article 8 and article 9 of the EIA Directive because there is no adequate mechanism within the Bill to define and constrain the development of proposed mitigation measures in a sufficiently precise and definitive matter so that the works constructed are not materially different from what has been assessed in the Environmental Statement.

23. House of Commons Environmental Audit

- 23.1 Your Petitioner submits that the House of Commons Environmental Audit Committee's report entitled *HS2 and the environment thirteenth Report of Session 2013-2014* dated 7 April 2014 set out a number of findings, comments and recommendations on environmental impacts.
- 23.2 Your Petitioner requests that the recommendations are fully implemented.
24. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect

your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013- 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF Rt Hon Cheryl Gillan MP

AGAINST, By counsel, &c

Rt Hon Cheryl Gillan MP

W.C. 2014