

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

## **HIGH SPEED RAIL (LONDON – 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 Amersham 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 intitled “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 (also "HS2").
4. Clauses 1 to 3 of the Bill, along with Schedules 1 to 4, authorise and detail the works to be done in relation to the construction and the operation of the railway, including the associated stopping up and construction of highways. The works themselves are detailed in Schedule 1 and referred to as the "Scheduled Works". Clause 2 authorises other works in connection with the Scheduled Works or otherwise for the purposes of the railway, and Schedule 2 makes further provision for works, including interference with rivers (including the River Misbourne).
5. Clauses 4 to 18 of the Bill, along with Schedules 5 to 15, deal with compulsory acquisition of land, the extinction and exclusion of rights over land and the temporary possession and use of land. Clauses 19 to 36, along with Schedules 16 to 26, provide for deemed planning permission and deregulation, including deregulation in relation to listed buildings, water and noise and the use of lorries in the Amersham area.
6. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway. 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, and provision for reinstatement works. Provision is also made regarding the application of Environmental Impact Assessment Regulations.

### **Summary of Petition to your honourable House**

7. Your Petitioner is Amersham Town Council. It presents this Petition to detail the concerns of Amersham's residents, visitors and the town's thriving business community. Your Petitioner is deeply concerned about the short term and long term impact of the current proposals both during construction (over a period of up to seven years) and once the railway is in operation

#### *Damage to Amersham*

8. The current proposals within the Bill, along with the Deposited Plans and Sections and also the Environmental Statement deposited with the Bill ("the ES") will severely disrupt the main roads and highways in and around Amersham thus severely damaging Amersham itself by damaging:
  - The rights of Amersham residents to enjoy reasonable unhindered access in the locality.
  - The rights of Amersham schools to enjoy reasonable unhindered access for children and staff within and outside the Amersham catchment area.
  - The viability of Amersham businesses to grow and prosper.
  - The overall strength and cohesion of your Petitioner's community when faced with sustained disruption over a prolonged period - and beyond.

#### *Mitigation*

9. This damage can be mitigated through a number of measures, which your Petitioner humbly requests your honourable House amend the Bill and/or require undertakings of the Promoter to provide. In brief:
  - The adoption of the "Green Route" tunnel advanced by Chiltern District Council.
  - The essential use of accessible rail connectivity to transport all construction materials, spoil and waste from Mantles Wood construction facility (in line with Government Policy).
  - A strict code of construction practice, including provision to enforce the use of rail to minimise the impact on the area's crowded main roads.

### **Your Petitioner**

10. Your Petitioner has responsibility for the town of Amersham. Amersham is a market town and civil parish within Chiltern District in Buckinghamshire with a population of over 14,000. The town lies 27 miles north west of London, in the Chiltern Hills. The proposed route of the railway

runs in a tunnel under the west of the Old Town where a ‘vent shaft’ is proposed at the end of Whielden Street, close to Amersham’s Hospital and crematorium.

11. The historic buildings of Amersham’s ‘Old Town’ are a modern success story founded on tourism and leisure pursuits based on the Chilterns Area of Outstanding Natural Beauty that surrounds the town (“the AONB”). The northern end of the Promoter’s presently proposed Chilterns Tunnel is at Mantles Wood, less than two miles from the town. The proximity of the line combined with the anticipated seven years of construction cannot fail to have a devastating effect on the area’s business and residential communities.
12. Your Petitioner is greatly concerned that the Promoter’s current proposals have not been subject to Strategic Environmental Assessment, and doubts that the current route through the AONB would have been selected had a Strategic Environmental Assessment been conducted. The result of such an assessment would have been that the obvious difficulties now encountered, and the disadvantages now appreciated, in constructing a line through the AONB would have been made apparent. Your Petitioner also respectfully points out that no comparison of the currently proposed with other alternatives has been attempted in the ES deposited by the Promoter, as is required by the Countryside and Rights of Way Act 2000 (“the CROW”).

### **Your Petitioner's concerns and objections to the Bill and requested mitigation**

#### ***Inadequacy of ES***

13. As the representative of residents of the AONB or adjacent areas, your Petitioner has identified several specific concerns and objections to the Bill as presently proposed as set out in the section that follow below. However, those are by no means exhaustive, due in particular to the inadequacy of the ES prepared by the Promoter, HS2 Ltd. Your Petitioner is gravely concerned that the ES has failed to adequately identify the impacts that the railway will cause, both in its construction and its operation. Your Petitioner considers it inevitable that the construction of HS2 will disrupt the lives of residents of Amersham and the surrounding villages (in the AONB) in ways that have not yet been identified or considered.
14. Your Petitioner is sufficiently concerned by the inadequacy of the ES that it asks your honourable House to consider the issue as a matter of priority.
15. Your Petitioner contends that the ES produced for the Promoter HS2 Ltd (and also the Department of Transport) is unfit for purpose, on the grounds, amongst others, that:

- It is produced by engineering companies who are likely to benefit from the awarding of construction contracts for HS2.
- There are numerous 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.

Indeed, these concerns are echoed and recited in more detail in the Petition by Chiltern District Council at paragraphs 54-74. Your Petitioner adopts those paragraphs and the conclusions therein with respect to the inadequacies of the Environmental Statement. Consequently, the impacts of this project on your Petitioner's community have been greatly underestimated, and the mitigation measures which have been proposed are totally inadequate to afford any meaningful abatement.

### ***Requested Mitigation***

16. Your Petitioner therefore humbly submits that because of the above, the ES deposited with the Bill should be withdrawn and the work of the Select Committee appointed by your Honourable House stayed 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 your honourable House and the House of Lords) as was the case with the current ES.

### ***Impact on the Chiltern Area of Outstanding Natural Beauty***

17. Amersham nestles in the centre of the Chilterns AONB. Your Petitioner's community look out over it, travel through it, and enjoy its facilities on a daily basis. Many of the local businesses survive only because of its existence and success. Anything that damages the AONB damages Amersham.
18. Objection is taken to the works to be undertaken within the AONB, 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.

19. 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 (so-called “green”) tunnels.
20. This area is designated as an Area of Outstanding Natural Beauty under Section 85 of CROW, and is further protected under the National Planning Policy Framework and the European Landscape Convention. Your Petitioner contends that building HS2 in this section by anything other than a fully bored tunnel 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;
  - 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 local community’s ability to enjoy the natural benefits of the AONB.
  - cause damage to the River Misbourne – a globally rare chalk stream that could disappear as a result of the construction works. This could have a severe impact on the wildlife, the environment and for those who live along the river. Shardeloes Lake near Amersham could also be lost.

21. Your Petitioner understands that the landscape value of this area has been quantified as in the order of £500million to £750million<sup>1</sup>. The loss sustained by this national asset as a result of the construction of HS2 through it will be enormous, and far outweigh any (dubious) benefit in cost or time from the Promoter’s present proposals.

### ***Requested Mitigation***

22. Your Petitioner humbly requests that your honourable House alter the Bill or instruct the Promoter such that the AONB be protected from the effects of this grave and destructive planning error by directing that the line passes through the entirety of the AONB in a fully bored tunnel such as the Green Route advanced by Chiltern District Council and others. This would substantially mitigate the adverse effects complained of in this petition, and remove the need for many if not all of the less effective remedies proposed below.

### ***Impact of Construction Traffic***

23. Your Petitioner is gravely concerned by the inadequacy of measures presently proposed to mitigate the effects of construction traffic throughout the AONB, and in the Misbourne Valley in

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<sup>1</sup> “High Speed Rail in the Chilterns - Little Missenden to Wendover” Report by Chiltern Conservation Board and Peter Brett Associates, Oct 2014

particular. Your Petitioner has identified three particular aspects to the problems caused by construction traffic (and traffic disrupted as a consequence of the construction process) –

- I. The direct impact of construction traffic, causing congestion on construction routes, and physical damage to unsuitable or inadequate roads.
- II. Indirect effects caused by non-construction traffic in ‘stop start jams’ as well as 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 Ltd’s planners or the Nominated Undertaker.
- III. 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 Petitioner notes that of these only item I. above was addressed at all in the ES, and even then in a totally inadequate fashion.

24. Your Petitioner notes that the projected traffic on the narrower sections of the A413 and the A355 will exceed 100% of road capacity during peak hours<sup>2</sup> (defined as the situation when the hourly traffic demand exceeds the maximum sustainable hourly throughput of the link). Traffic will back up on either side of these congested sections, causing congestion on the A413 (particularly the Amersham Bypass, a road already frequently static at peak times), on the A355, and throughout the AONB. This will undoubtedly lead to traffic displacement onto the small number of local alternative routes.
25. The Promoter’s assertion that “there are no locations where there are existing clusters of accidents”<sup>3</sup> is inconsistent with the regular occurrence of serious and fatal accidents on the A413, and the known dangers associated with the Chiltern Line (Rail) bridge at Deep Mill. Your Petitioner therefore contends that the safety risk will be increased considerably by the construction traffic generated by this project.
26. Your Petitioner’s community 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 entire area (on the A413 and A355 in particular) for the significant duration of the construction works.
27. Some of your Petitioner’s community use the network of Lanes in the AONB for recreation. Your Petitioner regards this network of Lanes as a characteristic feature of the area which should be protected in accordance with the CROW Act. Many of these cross the proposed route and will be diverted or interrupted during construction.

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<sup>2</sup> As calculated according to the DfT “Design Manual for Roads and Bridges TA46/97 ; see the Chesham Society ES response - [http://www.hs2amersham.org.uk/Resources/ES/Chesham/CheshamSoc\\_ES\\_2.3.pdf](http://www.hs2amersham.org.uk/Resources/ES/Chesham/CheshamSoc_ES_2.3.pdf)

<sup>3</sup> ES Vol 2 CFA9 sec 12.4.19

28. 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).
29. As the representative of an area immediately adjacent to the construction zone, your Petitioner 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.
30. Your Petitioner is gravely concerned that the emergency services will be unable to provide timely support to families and property due to road congestion during the construction period. Your Petitioner humbly asks your honourable House to note that the A413 and A404 carry ambulances to the local A&E departments at Stoke Mandeville and Wexham Park as well as the minor injuries unit at High Wycombe. These roads are all anticipated to carry all HS2 traffic to and through the AONB and will undoubtedly be seriously disrupted for extended periods of time.
31. Amersham has its own Fire Station with many of the fire staff being 'retained'. These firefighters respond to incidents by hurrying from their "normal" jobs in the local community. However in the case of serious conflagrations, they require assistance from Chesham or High Wycombe – which will inevitably be delayed by increased traffic congestion.
32. Construction works and traffic congestion will also lead to a decline in trade, leisure and social activities in both the Amersham Old town (very much a tourist centre) and the Top Town, a thriving local business centre. This will be as a result of effectively 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 reduction in visitors. Local facilities including, but not limited to, the swimming pool, library, leisure centre, climbing centre, Hervines Park, Memorial Gardens (with their concerts in the summer) will all face an uncertain future as a result of disruption and other effects of the large scale construction activities.
33. Your Petitioner is 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 Dr. Challoners 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 Amersham's local hospital and so the location of a Tunnel Vent Shaft on land adjacent to the hospital, and the insensitive layout of the associated construction compound, will inevitably maximise interruption to these services.

35. Approximately 15 cremations take place each day at the crematorium, the entrance to which is almost opposite the proposed Vent Shaft location. The potential for congestion and delay is significant with incalculable emotional costs to the mourners.

### ***Mitigation measures***

36. Your Petitioner believes 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 such as the Green Route be refused, your Petitioner respectfully asks your honourable House require that the South Heath Chilterns Tunnel Extension<sup>4</sup> proposed by the Residents Environmental Protection Association (“REPA”) be implemented (“the REPA Option”).

The REPA Option extends the full bored tunnel to Leather Lane, with acknowledged environmental benefits and at little or no additional cost (and very possibly a saving).

37. Your Petitioner respectfully observes that the materials for constructing the proposed scheme and the consequent spoil are bulky and of relatively low unit value (on a weight for weight basis). It has long been Government policy to encourage the transportation of such goods by rail. Your Petitioner respectfully points your honourable House to the 2010 Network Rail Report entitled ‘Value and Importance of Rail Freight’<sup>5</sup> where a compelling case is made for the use of rail, particularly for construction projects.

38. Given that the Chiltern Line lies alongside the proposed construction site at Mantles Wood (and that a rail line is being constructed); it makes no sense to use road transport, when a viable rail alternative, with capacity, exists. Your Petitioner therefore humbly requests your honourable House to direct HS2 Ltd and its contractors transport all materials to and from the Mantles Wood construction site by rail.

39. Your Petitioner considers the proposed Car Share scheme described in the ES to be utterly and totally inadequate. Your Petitioner humbly requests 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”.

40. Your Petitioner also requests that the Code of Construction Practice be amended to ensure that the following construction activities can be strictly enforced:

- I. 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).
- II. 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

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<sup>4</sup> [http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA\\_final.pdf](http://www.hs2amersham.org.uk/Resources/ES/Responses/REPA_final.pdf)

<sup>5</sup> [www.networkrail.co.uk/9083\\_ValueofFreight.pdf](http://www.networkrail.co.uk/9083_ValueofFreight.pdf)

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)

- III. 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.
  - IV. 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.
41. Your Petitioner requests that HS2 Ltd/the Nominated Undertaker provide an air ambulance with crew on standby during working hours, to ensure that medical emergencies receive a prompt response. Your Petitioner also respectfully asks your honourable House ensure that the Nominated Undertaker is fully prepared for industrial accidents at all 11 construction sites operating in the area, and prepared such that the local community will not itself be deprived of emergency services.
42. Your Petitioner also believes that the construction of HS2 will constitute a “material change of circumstance” for the purpose of establishing the rateable value of local businesses<sup>8</sup>. Your Petitioner requests your honourable House require 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, your Petitioner requests central Government support for local businesses during the construction period.

### ***Water Related Issues***

43. The presently proposed tunnel passes directly under the neck of Shardeloes Lake (less than 30 metres below the surface of the lake). Given local knowledge of the geology and the lack of a detailed survey by HS2 Ltd your Petitioner considers this as a high risk strategy given the historic nature of the site and Shardeloes Lake being a local beauty spot.
44. Your Petitioner notes that the ES does not rule out the possibility of contamination to their community’s water supply as a result of tunnelling in the Chilterns and possibly further afield, including North West London (all the aquifers are linked). Your Petitioner finds the Promoter’s seeming casual acceptance of this risk quite stunning.

45. Your Petitioner notes that the ES indicates that a pipeline will be constructed from vent shaft sites to the nearest river for the escape of water. In the case of the Amersham Vent Shaft there are no details of where such a pipeline will be constructed and your Petitioner is left in the dark.

### ***Mitigation Measures***

46. Your Petitioner draws the attention of your honourable House to the possibility that a longer tunnel could be realigned to avoid Shardeloes Lake in particular but also on a more general basis, go above the aquifer under the entire Lower Misbourne Valley.

47. Given the disruption that is already anticipated in Whielden Street as a result of the construction work for the vent shaft your Petitioner respectfully request your honourable House require that this route not be used for a path to the river, and instead that the pipe should avoid the town altogether, possibly following the route of the Amersham Bypass (A413) to the river.

### ***Environment***

48. Your Petitioner's community makes 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 re-instatement 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 in the ES); 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 re-design 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.
- Air pollution generally.

### ***Mitigation***

49. The construction of a fully bored tunnel throughout the AONB to a point beyond Wendover, such as the Chiltern DC Green Route, will avoid all the above.

## **Other matters**

50. As noted above, your Petitioner is concerned that the Bill, the Deposited Plans and Sections and the ES are all vast documents, that your Petitioner has struggled in places to understand, and that in addition to the failure of the ES to adequately assess the impacts of the proposed railway and associated works neither it nor the Bill allow the reader to readily understand what is proposed. Your Petitioner is also concerned that HS2 Ltd has announced changes to the proposed works since the Bill was lodged with Parliament.
51. In light of the above, your Petitioner respectfully asks that it be entitled to raise any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussion, the preparation and publication of reports, any possible revisions that may be made to current proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to its representation before the Select Committee appointed by your honourable House.

## **Conclusion**

52. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above and/or the Promoter required to give undertakings accordingly to modify the works noted so far affecting your Petitioner's community, the Bill should not be allowed to pass into law.
53. 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.

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

YOUR PETITIONER therefore humbly prays 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 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.

54. AND your Petitioner will ever pray, &c.

(E. Walsh)

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PETITION OF \_\_\_\_\_

AGAINST, By Counsel, &c.