

# Obstruction of the A413

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**HS2 SECURITY FENCING HAS BEEN ERECTED ON THE VERGE OF THE A413,  
CAUSING AN OBSTRUCTION OF THE HIGHWAY, AND ENDANGERING  
PEDESTRIANS**

## Background

Following the eviction of the Wendover Active Resistance camp from land between the A413 and the Chiltern Line (just south of Grove Farm), HS2/EKFB erected fencing to secure the area, in violation of section 137 of the Highways Act 1980, and so a criminal offence.



**A pedestrian negotiating the narrow path  
alongside the carriageway**

This has left a path around 3' wide between the fence and the carriageway, which carries considerable HGV traffic, at speeds up to 60mph.

The situation is compounded by the closure of Smalldean Lane to all traffic, including cyclists and pedestrians, for the foreseeable future, as the Lane provided a route from the Grove Farm roundabout to Dunsmore (& Rocky) Lanes which avoided the A413.

In reply to our Emails requesting that Smalldean Lane be reopened to cyclists and pedestrians, EKFB 'Engagement' replied *"The safety of the A413 and the level of traffic on the A413 is not related to the HS2 project and therefore I would advise that you raise any safety concerns with Transport for Buckinghamshire. Many other vehicles and lorries use this road that are not operating on HS2 business."*<sup>1</sup>

This Email also undertook to provide a suitable diversion, which we now understand is not practical.

For EKFB to deny responsibility for the dangerous state of the A413 is ridiculous; the situation is largely caused by

- Encroachment of Security Fencing on the roadside verge
- Frequent single lane working and associated traffic signals
- Additional HGV traffic related to HS2 construction

## **The Highways Act 1980**

Section 137 states

*"If any person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence"*

This applies to the *full width* of the highway –

*"every member of the public is entitled to unrestricted access to the whole of a footway ... any encroachment on the footpath which restricts him in the full exercise of that right ... is an unlawful obstruction"*<sup>2</sup>

### **(HS2) act limits**

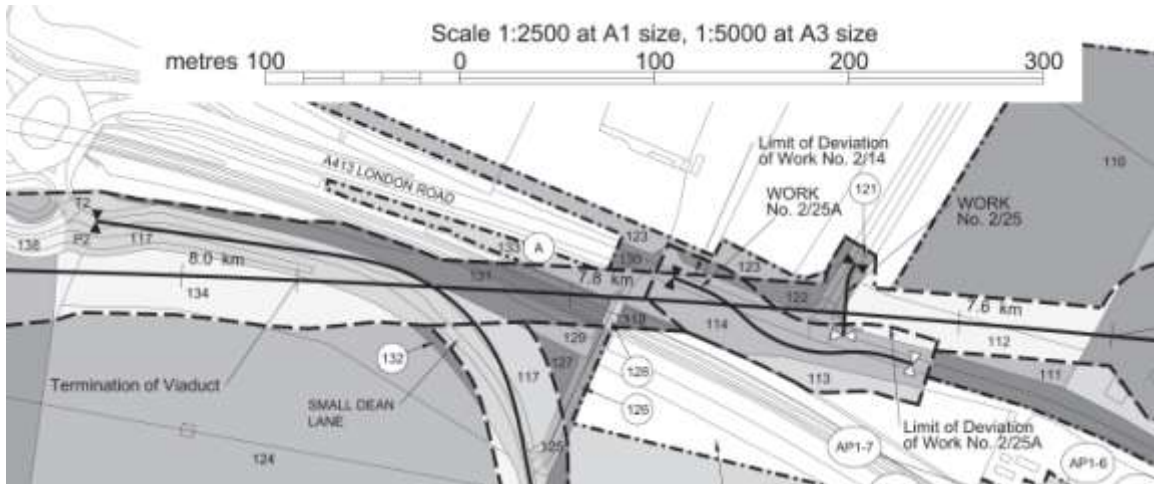
Schedule 23 (Street Works) of the HSR (London-West Midlands) bill makes no reference to section 137 of the Highways act, and so it remains in effect inside the Act Limits.

In addition, large parts of the obstructed verges lie *outside* the Act Limits; to the west of the (demolished) footbridge over the Chiltern Line, the Act Limits (works 123, 133) are over 5m back from the edges of the carriageway –

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<sup>1</sup> Email from Chloe Smith, 18-2-22

<sup>2</sup> Wolverton UDC vs Willis, 1962



**Act Limits, Smalldean Viaduct  
(Plans vol 2.1, p36)**

## The Obstructions

### West side



West side, showing footpath now behind the security fence, and the narrow gap remaining for pedestrians





West side – the security fencing, constructed on the existing footpath; further gratuitous obstruction of the limited space remaining, by a roadsign

**East side**



The security fence is 2 to 3 metres inside the railings marking the edge of the highway.



The East side walkway is generally much wider, apart from a few obstacles..



Such as this carelessly positioned road sign

## Conclusion

1. The security fencing clearly constitutes an obstruction of the highway, which is a criminal offence, even if committed by HS2.
2. Worse still, it indicates a complete disregard for the safety of cyclists and pedestrians who may be obliged to navigate through these works. There is no evidence of any attempt to be a 'Good Neighbour'.
3. An immediate remedy would be to move the west side fencing off the highway.
4. In the medium term, a safe path might be provided on the west side of the Chiltern line, on network rail land.

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