

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

**High Speed Rail (London – West Midlands) Bill**

Against the Bill – on Merits – Praying to be heard by counsel, etc.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF IAN DAVID SANBURY

SHEWETH as follows:

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 Secretary Patrick McLoughlin supported by the Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for compulsory acquisition, the extinction and exclusion of rights over land, the temporary possession and use of land, planning permission and deregulation in connection with, inter alia, heritage and environmental matters. Clauses 37 to 52 deal with railway matters, nominated and statutory undertakers, regeneration and reinstatement and further high speed rail works. Clauses 53 to 65 contain miscellaneous and general provisions.
4. The nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”) is authorised by the Bill to construct and maintain the works specified in Schedule 1 to the Bill being works for the construction of Phase One of High Speed 2 and works consequent on or incidental to such works. These works are called “the scheduled works”.
5. Your petitioner (hereinafter referred to as “your Petitioner”) lives at Wisteria Cottage, Bowood Lane, Wendover Dean, Buckinghamshire, HP22 6PY. He is forty-four years of age and has lived in this property for ten years, with his wife Michaela who is forty-three years of

age and their two children, Adam (8) and Emma (6).

6. The bill would authorise the construction and operation of the railway through and near Wendover. The proposed line would run on the proposed viaduct at Wendover Dean, approximately 250 metres from your Petitioner's property in what is currently an overwhelmingly peaceful and rural area within the Chilterns Area of Outstanding Natural Beauty. The construction work is projected to come as close as 80m from the edge of your Petitioner's property. The impact on your Petitioner and his family of both construction and operation of the line would be literally life-changing.
7. Your Petitioner and his interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.
8. Your Petitioner's property is shown in the Zone of Theoretical Visibility in ES 3.5.1.7.2 on map number LV-07-035b, and also in maps CT-05-036, CT-06-036, CT-10-019, LV-03-035b, LV-04-035b and SV-05-018 within CFA10 of the Environmental Statement. However, the most striking reflection of the impact on the scheme on your Petitioner's property is given by the image in LV-15-003 which shows the property (in the group of red tile roofed houses and barns at the bottom of the image towards the left) encircled by major elements of HS2 infrastructure: the railway itself on a 500m long viaduct that will be 18m high (with gantries a further 5m high) plus two "land drainage" areas and a very large "rail drainage pond".
9. As an indication of the blight impact on your Petitioner, his property has now been on the market for over a year at what would otherwise be a competitive and attractive price. Not only has the house not sold; in all that time there has been but a single viewing. That is a blunt but very realistic indicator of the impact of the proposed scheme (both from construction and operation) on the attractiveness of your Petitioner's property. Your Petitioner's inability to sell reflects both the extreme blight that he is suffering now and the dramatic negative impact on his family's quality of life that they would suffer if this scheme proceeds.
10. The Environmental Statement that accompanies the Bill (specifically the Community Forum Area report for Dunsmore, Wendover and Halton (CFA10)) acknowledges the expected detrimental impacts on your Petitioner's property and his family's way of life. These are specifically referenced at 6.3.4, 6.4.5, 6.4.29, 6.5.4 and 6.5.9 (outlining the material adverse change in setting of your Petitioner's Grade II Listed property), at 9.4.5, 9.4.55, 9.5.8, 9.5.83-87 and 9.5.212 (outlining the visual impact) and at 11.4.23 and 11.4.30 (outlining the noise impact). Representatives from HS2 Ltd have further acknowledged those detrimental impacts in meetings with your Petitioner. The evidence provided by HS2 Ltd is that the impact on your Petitioner is very substantial but little compensation or mitigation has been proposed to offset that impact.
11. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in and near Wendover. Your Petitioner's concerns about construction focus primarily on the Wendover Dean viaduct and the embankments at each

end of the viaduct as the proposed railway passes his family home. They also include ancillary works such as satellite compounds and balancing ponds. Your Petitioner is also deeply concerned about the impact of construction related dust on his and his family's health and about the significant impact on traffic on the A413 into Wendover. Your Petitioner's concerns about operation of the railway focus primarily on the issue of noise and visual intrusion of trains operating along the same stretch of line on and around the Wendover Dean viaduct. Your Petitioner is also deeply concerned about the broader impact of the railway on his and his family's quality of life, specifically the community impacts in and around Wendover and the extreme and unwarranted environmental damage to this part of the Chilterns AONB.

12. Your Petitioner's main objective is to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes Wendover.

#### **Problems caused by the construction process of the scheduled works**

13. Your Petitioner avers that during construction of the scheduled works there would significant noise and visual intrusion that will significantly impact his and his family's peaceful enjoyment of his property:
14. Most particularly, your Petitioner is concerned about the noise from machines moving spoil, constructing the viaduct and embankments and traffic connected therewith, which will cause significant noise pollution and interference to his and his family's quality of life.
15. Your Petitioner and his wife frequently work from home (given the peaceful environment afforded by their property which is beneficial to the focused, concentrated work that is fundamental to their careers). Your Petitioner's children typically arrive home from school at about 3.30pm in the afternoon. The proximity and scale of the construction works and their timing (between 8am and 6pm on weekdays and between 8am and 1pm on Saturdays) will result in an intolerable level of noise intrusion for a very significant period in this fundamentally rural area.
16. Your Petitioner is also concerned about the disruption of traffic and substantial delays along all local roads, caused by around 300 HGVs per day, especially the A413 and the B4009. The A413 is a crucial road for your Petitioner and his family, being the main route to and from work and school for all members of the family. These roads are already very congested during weekday rush hour and at peak times your Petitioner and his wife can typically experience delays of five to ten minutes exiting Bowood Lane onto the A413. The addition of further construction-related traffic at those times is unsustainable and unless mitigated will potentially prevent your Petitioner and his family from being able to travel efficiently and safely to work and school.
17. Your Petitioner is also concerned about the impact of construction-related dust on his and his family's health. Your petitioner has chronic and often extreme atopic eczema, which is

susceptible both to airborne irritants (such as dust and pollen) and to stress and he is extremely concerned that the levels of chalk dust and anxiety caused by construction will be extremely debilitating.

18. Your Petitioner is also concerned about lighting over the construction area causing significant light pollution. The area around your Petitioner's property has no artificial street lighting so this incursion of light would be extremely noticeable.

#### **Problems caused by the operation of HS2**

19. Your Petitioner avers that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:
20. The whole atmosphere of peace and beauty in the immediate vicinity of your Petitioner's property would be permanently scarred by the obtrusive viaduct and embankment 18 metres above ground level with gantries a further 5 metres high. The line would be directly visible 250 metres from the rear of your Petitioner's property and garden, from which there is an uninterrupted view of the fields over which the viaduct will run, in the vicinity of what is currently Durham Farm. It would be overbearing and dominant in the landscape and will ruin your Petitioner's view of what is theoretically a protected landscape. It has already, and will continue to, blight your Petitioner's property. That blight will to a very significant extent be permanent and not, as HS2 Ltd contends, merely temporary.
21. The noise from trains up to 400 metres long passing every 2 minutes would cause an intolerable strain upon your Petitioner's and his family. HS2 Ltd have acknowledged within the Environmental Statement (at 11.4.23 and Table 15 of CFA 10) that "forecast increases in sound from the railway are likely to cause a moderate adverse effect on the acoustic character of the area around the properties" during both daytime and night-time. That statement underestimates the impact of noise, given both the nature of the landscape into which that noise is being imposed and the methodology used by HS2 Ltd to measure and disclose it. The noise contour map SV-05-018 suggests a sound level of between 50 and 65 dB during the day. That might result in a moderate adverse effect in a town or city, but in a fundamentally peaceful, rural area it represents a dramatic change. Your Petitioner lives in the countryside in an AONB because of the peace and quiet that it affords him and his family and that would change very significantly if the proposed railway is built and operated in this area. In addition, on a peak level basis as a train passes, the noise will be significantly greater and more disruptive than the equivalent continuous (average) sound levels (*L<sub>Aeq</sub>*) that HS2 Ltd have shown within their noise contour maps, making the true impact far more substantial than HS2 Ltd have yet disclosed. Were a motorway, with a more continuous noise profile, being built then an *L<sub>Aeq</sub>* measure of sound would be appropriate. In this situation, however, your Petitioner avers that the methodology used has been chosen to understate the impact of noise and to attempt to minimise the amount of mitigation and compensation that HS2 Ltd is required to make. Finally, the situation will also be worse than the construction phase, given that trains will run throughout evenings and weekends, ensuring a much more significant impact on your Petitioner's and his family's lives: their

sleep patterns, their ability to concentrate on work and study and their ability to enjoy the garden and surrounding countryside in the afternoon and evening and at weekends.

22. In addition, the damage caused by the proposed railway to a wide range of local community facilities would be substantial. Your Petitioner and his family are members both of St Mary's church and Wendover Cricket Club, both of which are likely to be impacted very significantly if the scheme goes ahead in its proposed form.

#### **The benefits of a fully-bored tunnel**

23. Your Petitioner proposes that part of the scheduled works be replaced by a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover. This would avoid most of the disadvantages set out in paragraphs 13-18 above and all the disadvantages set out in paragraphs 19-22 above.
24. Chiltern Ridges Action Group has proposed such a fully-bored tunnel in a report by Peter Brett Associates, and HS2 Ltd has confirmed that from an engineering and construction point of view it is feasible. HS2 Ltd has said that such a tunnel would cost £330 million more than the present proposal. However, it has refused to divulge any detail of this figure, or even the tender documents on which it was based, and there is considerable evidence that the figure is seriously exaggerated. Moreover, it seems that HS2 Ltd has not taken into account the value of the benefits which a fully-bored tunnel would bring, such as the money saved by not having to compulsorily purchase properties and land, or move electricity pylons, and avoiding environmental damage within the Chilterns AONB. These benefits have been valued at over £500 million.
25. A similar fully-bored tunnel has also been proposed by Chiltern and Aylesbury Vale District Councils and Buckinghamshire County Council along with the Chilterns Conservation Board ("51M"), following a further study produced by Peter Brett Associates. It proposes a revised Green Route, all in tunnel, which goes under the River Misbourne at Chalfont St Giles as far as the A404. The route then follows a line east of Little Kingshill and west of Little Missenden to cross under the River Misbourne, Chiltern Line and A413. It then runs parallel to the A413 passing to the east of Great Missenden with an intervention gap close to the A413 south of Bowood Lane. This is close to existing transport routes, lessening the effect of this open section. Access to the required gap for emergency purposes is accessible from the A413 and will be entirely underground.
26. Both of these schemes are significant improvements, in your Petitioner's view, to the scheme that is currently proposed in the Bill. However, both consider there to be a need for an intervention gap close to your Petitioner's property, either at Durham Farm (under the Chiltern Ridges proposal) or south of Bowood Lane on the A413 (under the 51M proposal outlined in the paragraph immediately above). Your Petitioner would favour the second of these two proposals, given that the intervention gap would be closer to the A413 and entirely underground avoiding the need for demolition and construction works at Durham Farm, to the rear of your Petitioner's property. In either scenario, if an intervention gap is

placed nearby, your Petitioner will obviously expect to be fully consulted about the detail of its design and construction.

27. However, for the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended by the inclusion of a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover, then the Bill should not be allowed to pass into law.

**Mitigation for construction of a fully-bored tunnel**

28. If a fully-bored tunnel is included in the Bill, your Petitioner proposes that at least the following mitigation be adopted for its construction:
29. That the operation of construction traffic on the A413 and the B4009 only be permitted during the agreed working hours, excluding rush hour (7-9am and 5-7pm) on weekdays.
30. That the number of construction vehicles using local roads be limited, and at all times be such as not to inconvenience other road users.
31. That a traffic management plan be agreed before construction starts with the local county, district and parish councils, such plan to go to arbitration if agreement cannot be reached.
32. That the permitted working hours for all matters relating to construction be strictly limited to 8am to 6pm on weekdays, with no weekend operation within 500 metres of your Petitioner's home.
33. That acceptable noise levels be agreed before construction starts with the local county, district and parish councils, such noise levels to go to arbitration if agreement cannot be reached.
34. That noise levels be monitored on a frequent and regular basis by an independent organisation, with the result of such monitoring be immediately made public.
35. That artificial lighting at construction areas be limited to working hours.
36. That the maximum level of toxic traffic emissions from construction traffic be agreed before construction starts with the local county, district and parish councils, such emission level to go to arbitration if agreement cannot be reached.
37. That funding be made available to Wendover Health Centre and local hospitals for the provision of any necessary additional facilities to cope with increased health problems, such as sleep disturbance, respiratory illness and hypertension, and including those caused by traffic emissions and dust created by the construction of the scheduled works.
38. That funding be made available to the local police force for increased staffing likely to be required due to the advent of a substantial construction workforce.

39. That full compensation for damage to property or loss in property value caused by construction of the scheduled works be available to all those who suffer such loss.
40. That the maintenance loop at present proposed to be located to the north of Wendover be moved to an area where there are much larger permanent works scheduled.
41. That the Code of Construction Practice, and regulations and agreements dealing with all the above matters in paragraphs 29 to 41, be legally enforceable both at criminal and civil law, with civil law breaches being first dealt with by an Ombudsman, and the local county council having the right to bring both criminal and civil proceedings.

#### **Mitigation for construction of the present proposal**

42. The impact on your Petitioner and his family by the proposed scheme is such that a fully-bored tunnel is the only realistic and practical approach to mitigation.
43. However, if the proposal for a fully-bored tunnel is rejected your Petitioner proposes that he should be fully compensated so that he and his family can move away and avoid the very substantial negative impacts of this scheme on their quality of life without incurring a very material capital loss on the sale of their property. Your Petitioner recognises that the proposed compensation schemes have been widely consulted upon but avers that some of the resulting outcomes are still perverse. The compensation criteria are based on an imprecise and incomplete proxy for loss of property value (i.e., absolute distance from line) rather than either the correct proxy (loss in value itself) or the combination of a broader range of proxies (distance from line, topography, noise, visibility of resulting infrastructure, location within an AONB etc.). Your Petitioner can see why it might be inappropriate to compensate the owner of a house that is 150 metres from the line running in deep cutting, given the limited impact in terms of noise and visual intrusion, but fails to understand why he is uncompensated when the impact of the line running on an open viaduct 250 metres from his home is so much greater. Your Petitioner also fails to understand why homeowners living within 120 metres of the line running in a green tunnel (where the ultimate operational impacts will be negligible) will be compensated in full and he and his family will not. The blight on your Petitioner's property is both very substantial and permanent and is not mitigated by the schemes that have been proposed. Your Petitioner avers that if the scheme proceeds, his property should be eligible for purchase at its un-blighted market value by the government under the Voluntary Purchase Scheme.
44. If neither a fully-bored tunnel nor appropriate compensation for loss is considered appropriate by Your Honourable House, your Petitioner proposes the following direct and specific elements of mitigation in and around his property that will help partially to reduce the significant negative impacts on him and his family:
  - a. As part of the scheme and prior to any construction works, to allow for and fund the extension of the eastern and northern boundaries of your Petitioner's property into

the adjoining field and provide appropriate fencing and tree planting along that boundary to screen the property from both construction and operation of the proposed scheme. Such screening would help to ensure an ongoing appropriate setting for this Grade II Listed building and might potentially mitigate some of the blight on your Petitioner's property caused by the noise pollution and visual intrusion outlined above;

- b. To fund re-housing for your Petitioner and his family during the construction period, both to allow them to avoid the deleterious effects of construction and the very significant impacts on traffic on the A413 at peak times (which threaten to make their travel to work and school virtually impossible);
  - c. Create a raised earthwork feature in the field to the rear of your Petitioner's property (potentially using spoil from other areas of the scheme and reducing the need to dump spoil at the designated site at Hunt's Green);
  - d. Bury the electricity pylons next to the proposed viaduct below ground, within the new earthwork;
  - e. Provide new planting to provide visual screening in the area marked in green on the map, including over the earthwork. This would help to mitigate further the loss of part of Jones' Hill Wood and would also screen the viaduct from your Petitioner's property and from many other vantage points along the valley;
  - f. Fully enclose the Wendover Dean viaduct or at the very least allow for 4m noise barriers rather than the proposed 3m barriers on the viaduct and at either end where the line runs across an exposed embankment;
  - g. Fund the proper noise mitigation of your Petitioner's listed property, including appropriate double or secondary glazing, given the property's proximity to the line and the risk to your Petitioner's and his family's sleep patterns and general daily quality of life;
  - h. Move the balancing pond proposed to be constructed to the south of your Petitioner's property further to the south and west (away from the properties on Bowood Lane) and work with your Petitioner and other local residents in the design and operation of all of the various water features that will be introduced into the local landscape;
  - i. Ensure proper traffic signalling or mini-roundabouts on all of the lanes onto the A413 to enable users of those lanes to access the main road at peak times during the construction phase.
45. Given the inherent uncertainty of HS2 Ltd's sound level projections, your Petitioner also proposes a legally enforceable noise limit (based on WHO guidelines) on the operation of trains as they pass your Petitioner's home. Any breach of those limits would result either in the immediate payment of compensation to your Petitioner or a halt in operation of the railway until sound levels are reduced.
46. In addition, under this more minimal approach to mitigation, we would propose that the specific construction measures outlined in paragraphs 29-41 above be adopted.

YOUR PETITIONER therefore prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that he may be heard by Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioner and in support of such other clauses, amendments or provisions as may be necessary or expedient for his protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

Ian David Sansbury

BACKSHEET:

IN PARLIAMENT

HOUSE OF COMMONS SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF IAN DAVID SANBURY

Against the Bill - On Merits - By Counsel