

IN PARLIAMENT
HOUSE OF COMMONS
SESSION (2013-2014)

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 David Miles Marshall

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
- 2 The Bill is presented by Mr Secretary McLoughlin, 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, 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. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.
- 7 Your petitioner is the freehold owner of Hampden Way, Little London, Wendover, Bucks, HP22 6QQ. He has lived in Little London since 1975. Your Petitioner and his wife assert and, are extremely concerned, that the value of their property has already reduced and will do so further during construction and, despite Government assurances, once HS2 is in operation. Furthermore their enjoyment of their property will be catastrophically reduced during construction and operation. The property is situated in the Chilterns AoNB on the west side of the Misbourne Valley, directly opposite Hartley Farm and 650ft up the valley side. It has unobstructed views of the hillside where the proposed railway HS2 would run on two viaducts and an embankment. Also views of the proposed substation and balancing ponds.
Your Petitioner is Chairman of the Trustees of Dunsmore Church, and Trustee of the Dunsmore Village Hall Association.
- 8 Your Petitioners rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Your Petitioner avers that he will be seriously and adversely affected during both the construction phase and then during operation. Your Petitioner has responded to various HS2 Ltd Consultations and is a member of Dunsmore Society and Dunsmore Village Hall Association who have been involved in Bilateral meetings with HS2 Ltd.

Problems caused by the Construction Phase which will injuriously impact on your Petitioner: -

1. There will be serious disruption of traffic and substantial delays caused by the daily addition of 300 HGV's envisaged by HS2Ltd using the A413, B4009 and the A41. The proposed closure of Smalldene Lane will mean that all vehicles will have to use the Dunsmore Lane junction with the A413, this junction was not given special analysis by HS2Ltd during the Environmental Statement despite comments in response that the traffic flows asserted by them are completely wrong. The closure of Smalldene Lane will force your Petitioner when returning from Wendover or Aylesbury to use the A413 and stop and make a right turn to get home. Crossing continuous and heavy traffic with limited visibility putting your petitioner his wife and others at risk. Your Petitioner regularly cycles to Wendover using Smalldene Lane. He will be deprived of this amenity. Your Petitioner would be unwilling to cycle along the A413 because of the traffic.
2. The congestion will have a detrimental effect on the delivery of Emergency Services to Dunsmore and will impact on the journey times to the Health Care facilities located in Wendover. This is injurious to the Petitioner as his wife is disabled, he is her main carer, and she lives at home.
4. The chalk dust from the construction will be of great nuisance when we have Easterly winds and it is inconceivable that the whole construction area can be kept damp to prevent the dust travelling large distances from the site. This will increase his work load in maintaining his property.
5. Your Petitioner currently enjoys relatively little light pollution and the need for powerful lighting on the construction site and the construction camps will have a deleterious effect on the "dark skies" currently enjoyed by him.

Your Petitioner avers that the operation of Hs2 following the completion of the proposed scheduled works would have the following permanent effects:
Problems caused by Construction and Operation phases of proposed HS2 injuriously impacting on your Petitioner.

1. The outstanding feature of your Petitioners home, a bungalow, is its aspect. HS2 in both phases will have disastrous consequences for his quality of life and when he and his disabled wife eventually need to sell their property they will have considerable difficulty and a sale may be impossible at any realistic price anywhere near the unblighted value . The Petitioner finds himself in a position, like many others, where Compensation for HS2 will be non existent.

2. Noise from construction and operation will destroy the tranquility of the property. Although approximately 1km from the proposed line, there is nothing in the way to act as a noise barrier. HS2 Ltd noise assessment has not taken into account the topography of the valley or the tranquility levels. HS2 have repeatedly ignored requests to assess baseline noise levels, and although acknowledging that noise will be an issue in the valley have chosen to ignore it. The Chiltern line running in the valley below the Petitioners property is in a cutting, and the A413 is beyond. The noise is significantly reduced by the topography housing and hedging, This will not be the case with HS2 in the local area which is on 2 high viaducts and a huge embankment.

Problems caused during operation of HS2 will have the following injurious effects on your Petitioner: -

1. Your Petitioners view of The Chilterns AONB would be permanently and irrevocably scarred by the construction of two viaducts and an embankment with heights ranging from 10 to 18 metres and the associated catenary on top of that. The line would be visible from numerous viewpoints around Dunsmore and from your Petitioners own property. The cumulative effect would be overpowering and would destroy what is a Nationally protected landscape.
2. The effect of a maximum 36 x 400 meter trains per hour will totally destroy the tranquility of Dunsmore and its environs. As mentioned above Dunsmore enjoys relatively high levels of tranquility and it is a matter for regret, that, despite requests to HS2Ltd they chose not to undertake any sound surveys here, this, despite us having a private study done to establish a baseline level of noise. HS2Ltd have admitted that, as our settlement is located above the line we would experience serious aural and visual disturbance yet have not produced any solution to this problem. The issue of nighttime maintenance and track grinding is also an area of great concern to your Petitioner.
3. The noise from these trains will cause an intolerable strain upon your Petitioners life and his sleep. Currently when working in the garden the noisiest feature is a blackbird singing at the end of the garden where your Petitioner spends a great deal of time as he is now retired. During operation the noise will be every 90 seconds and will vary according to the trains position either on a viaduct or passing along the embankment. This fluctuation has been shown in studies to present more annoyance and associated health risks than a constant loud noise.

Your Petitioner currently enjoys relatively little light pollution and the need for

powerful lighting on the construction site and the construction camps will have a deleterious effect on the "dark skies" currently enjoyed here.

Remedial Measures: - A fully bored tunnel to the end of the AoNB would solve most of the problems not only for the Petitioner but also for the many thousands of people who come from a wide surrounding area, including London. They walk, ride and enjoy this currently unspoiled yet accessible countryside. The closest and most accessible AoNB to London. The construction above ground of HS2 in the AONB would be an act of irreversible vandalism that few would wish to include in their legacy.

There are other clauses and provisions of the Bill, which, if passed into law as they now stand will prejudicially affect your Petitioner and his rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Signature

of

Petitioner

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